

Carol Melton v. Poughkeepsie City School District
June 28, 2018

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAROL MELTON,

Case No.
7:16-cv-09701

Plaintiff,

-against-

POUGHKEEPSIE CITY SCHOOL DISTRICT,

Defendant.
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June 28, 2018
9:57 a.m.

DEPOSITION of PLAINTIFF CAROL MELTON, held pursuant to Order of Hon. Lisa Margaret Smith, at the offices of Shaw, Perelson, May & Lambert, 21 Van Wagner Road, Poughkeepsie, New York, taken on behalf of Defendant, before Kathleen T. Keilty, a Certified Shorthand Reporter and Notary Public within and for the State of New York.

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3	<p>1</p> <p>2</p> <p>3</p> <p>4 STIPULATIONS</p> <p>5</p> <p>6 IT IS HEREBY STIPULATED AND AGREED by</p> <p>7 and among counsel for the respective parties</p> <p>8 hereto, that the filing, sealing and</p> <p>9 certification of the within deposition shall</p> <p>10 be and the same are hereby waived;</p> <p>11</p> <p>12 IT IS FURTHER STIPULATED AND AGREED that</p> <p>13 all objections, except as to the form of the</p> <p>14 question, shall be reserved to the time of the</p> <p>15 trial.</p> <p>16</p> <p>17 IT IS FURTHER STIPULATED AND AGREED that</p> <p>18 the within deposition may be signed and sworn</p> <p>19 to before any officer authorized to administer</p> <p>20 an oath with the same force and effect as if</p> <p>21 signed and sworn to before the Court.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	5	<p>1 Carol Melton</p> <p>2 you understood the question you were being asked.</p> <p>3 Do you understand what I just said?</p> <p>4 A. Yes, I understand. 09:59 AM</p> <p>5 Q. All answers must be verbal. You 09:59 AM</p> <p>6 cannot answer with a sound or a body moment. In</p> <p>7 common conversation we all do that all the time.</p> <p>8 We all know what the meaning is of various sounds</p> <p>9 or body gesture in response to a question. That</p> <p>10 doesn't work here. The court reporter can try to</p> <p>11 take down sounds, but they have no meaning when we</p> <p>12 later look at the transcript. So you must answer</p> <p>13 each question verbally.</p> <p>14 Also, you must not interrupt the 09:59 AM</p> <p>15 question while it's being asked. It's common for</p> <p>16 people to know what one's being asked and be able</p> <p>17 to start answering even before the question is</p> <p>18 finished. That doesn't work here either 'cause the</p> <p>19 court reporter cannot take down the voices of two</p> <p>20 people at the same time. So you must wait for me</p> <p>21 to finish my question and I will hopefully wait for</p> <p>22 you to finish your answer before I ask the next</p> <p>23 question. Do you understand that?</p> <p>24 A. Yes, I do. 09:59 AM</p> <p>25 Q. O.K. Have you ever had your 09:59 AM</p>
4	<p>1</p> <p>2 WHEREUPON, 09:56 AM</p> <p>3 CAROL MELTON, 09:58 AM</p> <p>4 having been first duly sworn/affirmed 09:58 AM</p> <p>5 by a Notary Public within and for the</p> <p>6 State of New York (Kathleen T.</p> <p>7 Keilty), is examined and testifies as</p> <p>8 follows:</p> <p>9 THE WITNESS: I affirm. 09:58 AM</p> <p>10 EXAMINATION 09:58 AM</p> <p>11 BY MR. RUSHFIELD: 09:58 AM</p> <p>12 Q. Ms. Melton, as you know my name is 09:58 AM</p> <p>13 Mark Rushfield. I represent the defendant,</p> <p>14 Poughkeepsie City School District in this action.</p> <p>15 I'm going to be asking you a host of 09:58 AM</p> <p>16 questions. It's your job to listen to the question</p> <p>17 I ask you and answer the question I ask you.</p> <p>18 It's not uncommon for a person being 09:58 AM</p> <p>19 deposed to have things they want to say, that they</p> <p>20 want to get off their chest. That's not the</p> <p>21 function of this proceeding. The function of this</p> <p>22 is a question and answer form. I ask a question,</p> <p>23 you answer that question. If you don't understand</p> <p>24 that question, you must tell me; otherwise the</p> <p>25 record is going to indicate, if you answer it, that</p>	6	<p>1 Carol Melton</p> <p>2 deposition taken before?</p> <p>3 A. No. 09:59 AM</p> <p>4 Q. Have you ever testified in a 09:59 AM</p> <p>5 proceeding before?</p> <p>6 A. No. 10:00 AM</p> <p>7 Q. Under the rules that we operate only 10:00 AM</p> <p>8 counsel who's representing you for this deposition</p> <p>9 can object to the form of a question I ask. I can,</p> <p>10 if I wish to, insist that you answer the question</p> <p>11 as I've asked it or I can rephrase the question.</p> <p>12 If you don't understand the question 10:00 AM</p> <p>13 I've asked, you should tell me that you need me to</p> <p>14 rephrase the question or have it read back to you.</p> <p>15 All those things can be done.</p> <p>16 You have two counsel present with you. 10:00 AM</p> <p>17 Only one of them is going to be permitted to object</p> <p>18 to the form of a question.</p> <p>19 MR. RUSHFIELD: I assume that 10:00 AM</p> <p>20 will be you, sir.</p> <p>21 MR. WATSON: Yes. 10:00 AM</p> <p>22 Q. If you need to take a break, if you 10:00 AM</p> <p>23 need to talk to counsel, if counsel needs to talk</p> <p>24 to you, that's all permitted, but it's permitted</p> <p>25 under the scenario that you've answered the last</p>

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7	<p>1 Carol Melton</p> <p>2 outstanding question. So we can't take a break</p> <p>3 while there's a question pending. O.K.? Do you</p> <p>4 understand?</p> <p>5 A. Yes. 10:01 AM</p> <p>6 Q. We're going to be taking approximately 10:01 AM</p> <p>7 a half hour or so break at around close to noon</p> <p>8 because the court reporter has to participate in a</p> <p>9 telephone conference then, so we'll take whatever</p> <p>10 lunch break we might take then. If you need a</p> <p>11 longer one, that will be fine.</p> <p>12 Just so you understand, I'm entitled 10:01 AM</p> <p>13 to take seven hours of testimony. So if we start,</p> <p>14 let's say now, if there was no break, I could</p> <p>15 continue, if needed, till 5:00. If we take an hour</p> <p>16 break, 6. Do you understand?</p> <p>17 A. Yes. 10:01 AM</p> <p>18 Q. O.K. So let's begin. 10:01 AM</p> <p>19 Ms. Melton, when were you first 10:01 AM</p> <p>20 employed by the Poughkeepsie City School District?</p> <p>21 A. I was first employed by the 10:01 AM</p> <p>22 Poughkeepsie City School District in approximately</p> <p>23 1999.</p> <p>24 Q. And when you were first employed in or 10:01 AM</p> <p>25 about 1999, what position were you employed in?</p>	9
8	<p>1 Carol Melton</p> <p>2 A. I was employed as a Teaching 10:01 AM</p> <p>3 Assistant.</p> <p>4 Q. Is that the position you hold now with 10:02 AM</p> <p>5 the Poughkeepsie City School District?</p> <p>6 A. That is the position I hold now. 10:02 AM</p> <p>7 Q. Have you had held any other positions 10:02 AM</p> <p>8 with the Poughkeepsie City School District other</p> <p>9 than Teaching Assistant?</p> <p>10 A. No. 10:02 AM</p> <p>11 Q. Prior to the 2015-2016 school year, 10:02 AM</p> <p>12 had you applied for any promotional positions?</p> <p>13 A. I'm sorry. Could you repeat that 10:02 AM</p> <p>14 again?</p> <p>15 Q. Sure. Prior to the 2015-2016, had you 10:02 AM</p> <p>16 applied for any promotional positions in the</p> <p>17 Poughkeepsie City School District taking you beyond</p> <p>18 the position of Teaching Assistant?</p> <p>19 A. Yes. I-- 10:02 AM</p> <p>20 Q. What positions had you applied to? 10:02 AM</p> <p>21 A. Prior to the? 10:02 AM</p> <p>22 Q. 2015-2016 school year. 10:02 AM</p> <p>23 A. There are numerous positions that I 10:02 AM</p> <p>24 applied for.</p> <p>25 Q. Can you identify any of them? 10:02 AM</p>	10
	<p>1 Carol Melton</p> <p>2 A. Coordinator of Family and Community 10:02 AM</p> <p>3 Engagement.</p> <p>4 Q. Coordinator of Family and Community 10:02 AM</p> <p>5 Engagement?</p> <p>6 A. And Community Engagement. 10:02 AM</p> <p>7 Q. O.K. 10:02 AM</p> <p>8 A. I'm going to tell you the titles as I 10:02 AM</p> <p>9 remember them.</p> <p>10 Q. Let's do them one at a time. 10:03 AM</p> <p>11 A. O.K. 10:03 AM</p> <p>12 Q. When did you first apply for that 10:03 AM</p> <p>13 position?</p> <p>14 A. I don't remember the date for that. 10:03 AM</p> <p>15 Q. Well, you started in 1999. When did 10:03 AM</p> <p>16 you start commencing applications for promotion?</p> <p>17 A. Probably after 2012. 10:03 AM</p> <p>18 Q. All right. So Coordinator of Family 10:03 AM</p> <p>19 and Community Engagement, you don't recall when you</p> <p>20 applied for that but it would likely be after 2012,</p> <p>21 correct?</p> <p>22 A. Yes. 10:03 AM</p> <p>23 Q. And were you granted that position? 10:03 AM</p> <p>24 A. No, I was not. 10:03 AM</p> <p>25 Q. Did you consider that denial of that 10:03 AM</p>	
	<p>1 Carol Melton</p> <p>2 position to you in 2012 to be an act of race</p> <p>3 discrimination?</p> <p>4 MR. WATSON: Objection. 10:03 AM</p> <p>5 Q. You can answer the question. 10:03 AM</p> <p>6 A. I can't attest to that. I cannot say 10:03 AM</p> <p>7 either way why I was not given that position.</p> <p>8 Q. Did you ever did make any allegation 10:03 AM</p> <p>9 that you were denied the position of Coordinator of</p> <p>10 Family and Community Engagement prior to 2015-2016</p> <p>11 school year on account of your race?</p> <p>12 A. I cannot confirm that it was on 10:04 AM</p> <p>13 account of my race, but I can say that positions I</p> <p>14 applied for sequentially did not result in any</p> <p>15 interviews or acknowledgement that I applied for</p> <p>16 those positions.</p> <p>17 Q. You've never gotten an acknowledgement 10:04 AM</p> <p>18 that you applied for a promotional position?</p> <p>19 A. There were some I did not receive 10:04 AM</p> <p>20 acknowledgement.</p> <p>21 Q. And some you did. 10:04 AM</p> <p>22 A. There were some that I did not receive 10:04 AM</p> <p>23 it.</p> <p>24 Q. And some you did; is that not correct? 10:04 AM</p> <p>25 A. Yes, I did. 10:04 AM</p>	

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11	<p>1 Carol Melton</p> <p>2 Q. Going back to the Coordinator of 10:04 AM</p> <p>3 Community and Family Engagement, did you ever make</p> <p>4 any claim that you were denied that position on</p> <p>5 account of your race?</p> <p>6 A. I don't remember. 10:05 AM</p> <p>7 Q. Who were the persons who would have 10:05 AM</p> <p>8 been involved in the decision to deny you the</p> <p>9 position of the Family and Community Engagement</p> <p>10 Coordinator position prior to 2015-2016 school</p> <p>11 year?</p> <p>12 MR. WATSON: Objection. 10:05 AM</p> <p>13 Q. You can answer it. 10:05 AM</p> <p>14 A. I don't remember. There could be 10:05 AM</p> <p>15 different people that would be involved.</p> <p>16 Q. O.K. Were some of those people who 10:05 AM</p> <p>17 were involved in that decision of the same race as</p> <p>18 you?</p> <p>19 A. Again, I don't remember. 10:05 AM</p> <p>20 Q. O.K. Have you finished your answer? 10:05 AM</p> <p>21 A. Yes. 10:05 AM</p> <p>22 Q. Yes. Is your race -- these days it's 10:05 AM</p> <p>23 always hard to choose which reference to use. I've</p> <p>24 always been comfortable with African-American</p> <p>25 background. Are you African-American?</p>	13
12	<p>1 Carol Melton</p> <p>2 A. Yes. 10:06 AM</p> <p>3 Q. Is that an acceptable way for me to 10:06 AM</p> <p>4 refer to your race for you?</p> <p>5 A. That's fine. 10:06 AM</p> <p>6 Q. O.K. 10:06 AM</p> <p>7 MR. RUSHFIELD: Let me have this 10:06 AM</p> <p>8 marked as -- oh, sorry.</p> <p>9 Q. Apart from the position we just 10:06 AM</p> <p>10 discussed, prior to the 2015-2016 school year, what</p> <p>11 other promotional positions did you apply for?</p> <p>12 A. Director of Family and Community 10:06 AM</p> <p>13 Engagement.</p> <p>14 Q. Again, this is before the 2015-2016 10:06 AM</p> <p>15 school year, correct?</p> <p>16 A. Yes. 10:06 AM</p> <p>17 Q. Some time after 2012. 10:06 AM</p> <p>18 A. Director -- 10:06 AM</p> <p>19 Q. Sometime after 2012? 10:06 AM</p> <p>20 A. Yes. 10:06 AM</p> <p>21 Q. All right. Was the Director of 10:06 AM</p> <p>22 Family --</p> <p>23 A. And Community. 10:06 AM</p> <p>24 Q. -- and Community Engagement, did you 10:06 AM</p> <p>25 receive that promotion?</p>	14
	<p>1 Carol Melton</p> <p>2 A. No. 10:06 AM</p> <p>3 Q. Were you interviewed for it, that 10:06 AM</p> <p>4 position?</p> <p>5 A. No. 10:06 AM</p> <p>6 Q. O.K. Did you receive an 10:06 AM</p> <p>7 acknowledgement that you had applied for it?</p> <p>8 A. I don't remember. 10:06 AM</p> <p>9 Q. O.K. Is it your belief that you were 10:06 AM</p> <p>10 denied that position because of your race back</p> <p>11 then?</p> <p>12 A. I don't know. 10:07 AM</p> <p>13 Q. O.K. Did you ever make any claim that 10:07 AM</p> <p>14 you had been denied that position because of your</p> <p>15 race? Prior to the 2015-2016 school year I'm</p> <p>16 talking about.</p> <p>17 A. This position, the director? 10:07 AM</p> <p>18 Q. Yes. 10:07 AM</p> <p>19 A. I did not receive acknowledgements for 10:07 AM</p> <p>20 many positions --</p> <p>21 Q. I didn't ask you that question. 10:07 AM</p> <p>22 A. -- that I applied for. 10:07 AM</p> <p>23 Q. My question is relatively simple. 10:07 AM</p> <p>24 MR. WATSON: Objection. 10:07 AM</p> <p>25 MR. RUSHFIELD: Can you read my 10:07 AM</p>	

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15	<p>1 Carol Melton</p> <p>2 that these questions are appearing under.</p> <p>3 A. O.K. 10:08 AM</p> <p>4 Q. Did you make a claim that you were 10:08 AM</p> <p>5 denied the position of Director of Family and</p> <p>6 Community Engagement prior to the 2015-2016 school</p> <p>7 year on account of your race? Yes or no.</p> <p>8 A. So now I'm confused. 10:09 AM</p> <p>9 Q. I'll ask it again. 10:09 AM</p> <p>10 A. O.K. 10:09 AM</p> <p>11 MR. WATSON: Counselor, it might 10:09 AM</p> <p>12 be helpful if you refrain from using hand</p> <p>13 gestures and hitting on your pad.</p> <p>14 MR. RUSHFIELD: I have no idea 10:09 AM</p> <p>15 what hand gestures you're referring to,</p> <p>16 Counsel. I've not noticed that the</p> <p>17 witness has been distracted. She hadn't</p> <p>18 said that.</p> <p>19 Q. If I distract you by doing something, 10:09 AM</p> <p>20 please feel free to tell me. Otherwise, let's just</p> <p>21 keep it to what we're talking about.</p> <p>22 MR. WATSON: I agree. 10:09 AM</p> <p>23 Q. I'm going to ask this again. 10:09 AM</p> <p>24 A. Mm-hmm. 10:09 AM</p> <p>25 Q. Because you seem to be -- you claim to 10:09 AM</p>	17
16	<p>1 Carol Melton</p> <p>2 be confused.</p> <p>3 You've testified that you applied for 10:09 AM</p> <p>4 positions, promotional positions beyond Teaching</p> <p>5 Assistant, your recollection is after 2012, but you</p> <p>6 did so before the 2015-2016 school year; is that</p> <p>7 still your testimony?</p> <p>8 A. I -- 10:10 AM</p> <p>9 Q. Is that still your testimony? 10:10 AM</p> <p>10 A. That is not because I misunderstood 10:10 AM</p> <p>11 when you said 2015 through 2012, and I said I</p> <p>12 applied after -- four positions after 2012.</p> <p>13 Q. So between 2012 and the 2015-2016 10:10 AM</p> <p>14 school year, in that interval of approximately</p> <p>15 three years, did you apply for any promotional</p> <p>16 positions?</p> <p>17 A. You're speaking very quickly. 10:10 AM</p> <p>18 MR. WATSON: I agree. 10:10 AM</p> <p>19 Q. Before the 2015 -- 10:10 AM</p> <p>20 MR. WATSON: Counselor, please 10:10 AM</p> <p>21 do not raise your voice --</p> <p>22 Q. Before the 2015 -- 10:10 AM</p> <p>23 MR. WATSON: -- at Ms. Melton. 10:10 AM</p> <p>24 Q. Before the 2015-2016 school year, do 10:10 AM</p> <p>25 you understand that?</p>	18
	<p>1 Carol Melton</p> <p>2 A. Yes. Before. 10:10 AM</p> <p>3 Q. Before that school year, did you ever 10:10 AM</p> <p>4 apply for a promotional position in the</p> <p>5 Poughkeepsie City School District?</p> <p>6 A. Yes, I did. 10:10 AM</p> <p>7 Q. O.K. And is it still your testimony 10:10 AM</p> <p>8 that you began applying for such promotional</p> <p>9 positions after 2012?</p> <p>10 A. After 2012. 10:10 AM</p> <p>11 Q. O.K. Before the 2015-2016 school 10:11 AM</p> <p>12 year, what promotional positions did you apply for?</p> <p>13 A. O.K. So the coordinator and the 10:11 AM</p> <p>14 director came after 2015.</p> <p>15 Q. Tell me the ones that you applied for 10:11 AM</p> <p>16 before 2015-2016.</p> <p>17 A. So, Director of Technology. 10:11 AM</p> <p>18 Q. O.K. 10:11 AM</p> <p>19 A. There was Technology Teacher. 10:11 AM</p> <p>20 Q. O.K. 10:11 AM</p> <p>21 A. There was a technician position. I 10:11 AM</p> <p>22 don't recall the exact title.</p> <p>23 Q. O.K. Any others? 10:11 AM</p> <p>24 A. There was another technology position. 10:11 AM</p> <p>25 I'm not sure of the exact title.</p>	

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19	<p>1 Carol Melton</p> <p>2 are there any others that you have not told me of?</p> <p>3 If so, tell me what they are.</p> <p>4 A. Well, I can't remember all of them 10:13 AM</p> <p>5 right now.</p> <p>6 Q. Is it fair to say of the eight that 10:13 AM</p> <p>7 you've given me, the last one involving two</p> <p>8 different applications, there were more than eight?</p> <p>9 MR. WATSON: Objection. 10:13 AM</p> <p>10 Q. You can answer the question. 10:13 AM</p> <p>11 A. There's probably more than eight. 10:13 AM</p> <p>12 After 2012? 10:13 AM</p> <p>13 Q. Before 2015-2016, yes. 10:13 AM</p> <p>14 A. Before 2015. 10:13 AM</p> <p>15 Q. 2015-2016 school year, correct. 10:14 AM</p> <p>16 A. There was some after. 10:14 AM</p> <p>17 Q. So you've given me all that you can 10:14 AM</p> <p>18 remember in terms of positions that you applied for</p> <p>19 before the 2015-2016 school year.</p> <p>20 A. I don't remember the dates, but those 10:14 AM</p> <p>21 are the -- some of the positions I applied for.</p> <p>22 Q. Have you given me all the positions 10:14 AM</p> <p>23 that you remember applying for prior to the</p> <p>24 2015-2016 school year?</p> <p>25 A. I have given you as much as I remember 10:14 AM</p>	21
20	<p>1 Carol Melton</p> <p>2 that I applied for.</p> <p>3 Q. O.K. Did you get interviews for any 10:14 AM</p> <p>4 of these positions, any of the eight that you've</p> <p>5 just told me about?</p> <p>6 A. Just one that I can remember. 10:14 AM</p> <p>7 Q. Which one's that? 10:14 AM</p> <p>8 A. Director of Culture and Climate. 10:14 AM</p> <p>9 Q. Did you get the position? 10:14 AM</p> <p>10 A. No, I did not. 10:15 AM</p> <p>11 Q. All right. You don't remember being 10:15 AM</p> <p>12 interviewed for any of the others, the other seven,</p> <p>13 right?</p> <p>14 A. No, I don't remember. 10:15 AM</p> <p>15 Q. O.K. Did you consider your not 10:15 AM</p> <p>16 getting the promotion to any of these eight</p> <p>17 positions being on account of your race?</p> <p>18 A. Yes. 10:15 AM</p> <p>19 Q. Which ones? 10:15 AM</p> <p>20 A. Only one that I can remember is the 10:15 AM</p> <p>21 Family and Community Engagement.</p> <p>22 Q. You didn't give me Family and 10:16 AM</p> <p>23 Community Engagement for the positions prior to the</p> <p>24 2015 -- I'm sorry. You gave me Director of -- no.</p> <p>25 You didn't give me that one.</p>	22
	<p>1 Carol Melton</p> <p>2 A. I added. 10:16 AM</p> <p>3 Q. Do you wish to add one more for 10:16 AM</p> <p>4 between 2012 and 2015-2016 school year? 'Cause the</p> <p>5 one you just were telling me about isn't one of the</p> <p>6 eight.</p> <p>7 A. O.K. I thought I was adding on 10:16 AM</p> <p>8 different positions after 2012.</p> <p>9 Q. Before 2015-2016 school year. 10:16 AM</p> <p>10 A. And I said I don't remember the dates 10:16 AM</p> <p>11 of them.</p> <p>12 Q. O.K. 10:16 AM</p> <p>13 A. So I just gave you a list of positions 10:16 AM</p> <p>14 that I have applied for after 2012.</p> <p>15 Q. These positions that you gave me, 10:17 AM</p> <p>16 which were eight, and I'm going to go over them</p> <p>17 again in a moment -- so let's just do it.</p> <p>18 The Director of Technology, that 10:17 AM</p> <p>19 position, did you apply for that before the</p> <p>20 2015-2016 school year? Yes or no.</p> <p>21 A. Yes. 10:17 AM</p> <p>22 Q. The Technology Teacher position, did 10:17 AM</p> <p>23 you apply for that before the 2015-2016 school</p> <p>24 year? Yes or no.</p> <p>25 A. Yes. 10:17 AM</p>	

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23	<p>1 Carol Melton</p> <p>2 Q. But you can't give me the numerous 10:18 AM</p> <p>3 titles, you can only tell me technology position,</p> <p>4 right?</p> <p>5 A. That's correct. 10:18 AM</p> <p>6 Q. And so, when you say there may have 10:18 AM</p> <p>7 been numerous titles, before the 2015-2016 school</p> <p>8 year did you apply for more than one position that</p> <p>9 you're putting in the context of technology</p> <p>10 position? Or just one?</p> <p>11 A. Yes. 10:18 AM</p> <p>12 Q. Just one or more than just one? 10:18 AM</p> <p>13 A. There's more than just one. 10:18 AM</p> <p>14 Q. All right. So about how many 10:18 AM</p> <p>15 technology positions did you apply for before the</p> <p>16 2015-2016 school year?</p> <p>17 A. I don't remember. 10:18 AM</p> <p>18 Q. More than three? 10:18 AM</p> <p>19 A. I don't remember. 10:18 AM</p> <p>20 Q. More than five? 10:18 AM</p> <p>21 A. I know it's more than one. 10:18 AM</p> <p>22 Q. O.K. So somewhere between one and 10:19 AM</p> <p>23 three?</p> <p>24 A. I really don't remember. I don't. 10:19 AM</p> <p>25 Q. All you can tell me is it's more than 10:19 AM</p>	25
24	<p>1 Carol Melton</p> <p>2 one, right? Correct?</p> <p>3 A. That's correct. 10:19 AM</p> <p>4 Q. Coordinator of, if I wrote this right, 10:19 AM</p> <p>5 was it Elementary Technology? Is that one of the</p> <p>6 positions that you applied for?</p> <p>7 A. Mm-hmm. 10:19 AM</p> <p>8 Q. That was before -- yes? 10:19 AM</p> <p>9 A. Yes. 10:19 AM</p> <p>10 Q. That was before the 2015-2016 school 10:19 AM</p> <p>11 year?</p> <p>12 A. No, I think that -- 10:19 AM</p> <p>13 Q. So that was after. 10:19 AM</p> <p>14 A. I think that was after. 10:19 AM</p> <p>15 Q. O.K. Cross that one out. 10:19 AM</p> <p>16 Director of Culture and Climate, was 10:19 AM</p> <p>17 that prior to the 2015-2016 school year?</p> <p>18 A. I don't remember. 10:19 AM</p> <p>19 Q. Are you claiming in this case that you 10:19 AM</p> <p>20 were denied a promotion after the 2015-2016 school</p> <p>21 year to the Director of Culture and Climate</p> <p>22 position?</p> <p>23 A. No. 10:20 AM</p> <p>24 Q. But you're not sure whether you 10:20 AM</p> <p>25 applied for that either from the 2015-2016 school</p>	26
	<p>1 Carol Melton</p> <p>2 year and afterwards, correct?</p> <p>3 A. What I'm saying is that there were 10:20 AM</p> <p>4 numerous positions with that exact title or some</p> <p>5 variation on the words, and this -- I gave you</p> <p>6 pretty much the generic title.</p> <p>7 There might have been two or three 10:20 AM</p> <p>8 that came up with that particular title, and I</p> <p>9 applied for it.</p> <p>10 Q. All right. And am I correct from your 10:20 AM</p> <p>11 testimony that you can't tell me whether you</p> <p>12 applied for any of those positions prior to the</p> <p>13 2015-2016 school year, the Director of Culture and</p> <p>14 Climate that you generically called?</p> <p>15 A. The thing I said it was after 2012 and 10:20 AM</p> <p>16 some of them could have been in 2015, that year and</p> <p>17 thereafter, because of the multiple names and</p> <p>18 titles.</p> <p>19 Q. I understand that could have been. 10:21 AM</p> <p>20 But I'm not asking about what could have been. I'm</p> <p>21 asking you what you can tell me in terms of what</p> <p>22 you actually applied for. I understand you can't</p> <p>23 give me the exact titles, that's understandable.</p> <p>24 So I just want to make sure we're 10:21 AM</p> <p>25 clear. The Director of Culture and Climate generic</p>	

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27	<p>1 Carol Melton</p> <p>2 Q. O.K. And am I correct that you're not 10:22 AM</p> <p>3 making a claim in this action that you were denied</p> <p>4 the position of Director of Culture and Climate,</p> <p>5 however that's titled on account of your race?</p> <p>6 MR. WATSON: Objection. 10:22 AM</p> <p>7 Q. You can answer the question. 10:22 AM</p> <p>8 A. I am saying that I applied for these 10:22 AM</p> <p>9 positions and these positions are not something</p> <p>10 that after you apply you get an immediate answer.</p> <p>11 It could take weeks, months, and it could have --</p> <p>12 the response, I could have applied before 2015, but</p> <p>13 the response could come after 2015.</p> <p>14 Q. That's all very interesting, but it 10:23 AM</p> <p>15 has nothing to do with my question.</p> <p>16 A. So -- 10:23 AM</p> <p>17 Q. Listen to my question, please. 10:23 AM</p> <p>18 A. Go ahead. 10:23 AM</p> <p>19 Q. In this action, you have claimed that 10:23 AM</p> <p>20 you were denied positions on account of your race;</p> <p>21 is that correct? Yes or no.</p> <p>22 A. Yes. 10:23 AM</p> <p>23 Q. Are you claiming in this action that 10:23 AM</p> <p>24 one of the promotional positions you were denied on</p> <p>25 account of your race was Director of Culture and</p>	29	<p>1 Carol Melton</p> <p>2 on account of your race, is this Director of</p> <p>3 Culture and Climate position one of those</p> <p>4 positions? Yes or no.</p> <p>5 MR. WATSON: Objection. 10:24 AM</p> <p>6 Q. Answer the question, please. 10:24 AM</p> <p>7 A. O.K. Well, it seems like you asked me 10:24 AM</p> <p>8 two questions. So which one would you like me to</p> <p>9 answer first, 'cause...</p> <p>10 Q. You have acknowledge that in your 10:24 AM</p> <p>11 claimant, you claim that you were denied promotions</p> <p>12 on account your race, correct?</p> <p>13 MR. WATSON: Objection. 10:24 AM</p> <p>14 Q. Correct? 10:25 AM</p> <p>15 A. I was denied promotions because of my 10:25 AM</p> <p>16 race.</p> <p>17 Q. O.K. This position of Director of 10:25 AM</p> <p>18 Culture and Climate, is that one of the positions,</p> <p>19 promotional positions you were referring to in your</p> <p>20 complaint? Yes or no.</p> <p>21 A. I don't know. 10:25 AM</p> <p>22 Q. You don't know if it is or isn't? 10:25 AM</p> <p>23 A. Because I -- 10:25 AM</p> <p>24 Q. Is that your testimony, you don't know 10:25 AM</p> <p>25 if it is or isn't?</p>
28	<p>1 Carol Melton</p> <p>2 Climate or something like that? Yes. Or no?</p> <p>3 A. I was denied because of my race not on 10:23 AM</p> <p>4 that particular one --</p> <p>5 Q. That's the one I'm asking you about? 10:23 AM</p> <p>6 A. O.K. I don't know. 10:23 AM</p> <p>7 Q. O.K. 10:23 AM</p> <p>8 A. For that particular one. 10:23 AM</p> <p>9 Q. Is that one of the promotional 10:23 AM</p> <p>10 positions that you were referring to in your</p> <p>11 complaint --</p> <p>12 MR. WATSON: Objection. 10:24 AM</p> <p>13 Q. -- when you say you were denied 10:24 AM</p> <p>14 promotions? Yes or no.</p> <p>15 A. I -- 10:24 AM</p> <p>16 Q. Listen, this is a yes or no question. 10:24 AM</p> <p>17 It's very simple.</p> <p>18 MR. WATSON: Objection. 10:24 AM</p> <p>19 Q. Either you are claiming that that's a 10:24 AM</p> <p>20 position that's among the promotional positions you</p> <p>21 were denied on account of your race in your action</p> <p>22 or you are not.</p> <p>23 So are you, in terms of the 10:24 AM</p> <p>24 promotional positions that you referred to in your</p> <p>25 complaint that you're are claiming you were denied</p>	30	<p>1 Carol Melton</p> <p>2 A. Because I don't know the particulars 10:25 AM</p> <p>3 of that position that I applied for. I said I</p> <p>4 applied for promotions for different positions.</p> <p>5 Q. Next position, Coordinator of Culture 10:25 AM</p> <p>6 and Climate at two different schools, constituting</p> <p>7 two different applications. Are those positions</p> <p>8 you applied for before the 2015-2016 school year?</p> <p>9 A. I said I don't remember the dates. 10:25 AM</p> <p>10 Q. O.K. Is it your claim in this action, 10:26 AM</p> <p>11 your action, that you were denied the Coordinator</p> <p>12 of Culture and Climate position at either of the</p> <p>13 two different schools involved because of your</p> <p>14 race? Yes or no.</p> <p>15 MR. WATSON: Objection. 10:26 AM</p> <p>16 Q. You can answer the question. 10:26 AM</p> <p>17 A. The Culture and Climate? 10:26 AM</p> <p>18 Q. Yes. Coordinator of Culture and 10:26 AM</p> <p>19 Climate at two different schools.</p> <p>20 A. Right. 10:26 AM</p> <p>21 Q. Is it your claim that that's among the 10:26 AM</p> <p>22 promotional positions you were denied on account of</p> <p>23 your race as referred to in your complaint?</p> <p>24 A. I applied for promotional positions, 10:26 AM</p> <p>25 the positions I gave you that I applied for, that</p>

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31	<p>1 Carol Melton</p> <p>2 was among the positions I applied for. So they may</p> <p>3 be connected to me not receiving them because of</p> <p>4 race.</p> <p>5 Q. These positions, I understand that 10:26 AM</p> <p>6 you're claiming there may be, do you have any</p> <p>7 evidence that any of the positions you've</p> <p>8 identified, any of the now it's seven or eight</p> <p>9 positions that you identified that you were denied</p> <p>10 before the 2015-2016 school year were because of</p> <p>11 your race?</p> <p>12 MR. WATSON: Objection. 10:27 AM</p> <p>13 A. After 2012, and I applied for 10:27 AM</p> <p>14 positions and promotions, as you call them,</p> <p>15 promotions, they -- I was not afforded the same</p> <p>16 opportunity to be interviewed for some of them</p> <p>17 based on race and/or retaliatory actions by not</p> <p>18 allowing me -- acknowledging that I applied for</p> <p>19 those position.</p> <p>20 Q. Before the 2015-2016 school year, what 10:27 AM</p> <p>21 would have been the source for the district</p> <p>22 retaliating against you with regard to promotional</p> <p>23 positions?</p> <p>24 MR. WATSON: Objection. 10:28 AM</p> <p>25 Q. Let me rephrase the question. 10:28 AM</p>	33	<p>1 Carol Melton</p> <p>2 Q. And the retaliation against you -- 10:29 AM</p> <p>3 before I get to what's in your complaint, these</p> <p>4 positions that you claim may have been denied to</p> <p>5 you because of retaliation, retaliation for what?</p> <p>6 Retaliation for you're having done what?</p> <p>7 A. For putting in an EEOC claim. 10:29 AM</p> <p>8 Q. But you didn't put that EEOC claim in 10:29 AM</p> <p>9 until December of 2015, right?</p> <p>10 A. Yes. 10:29 AM</p> <p>11 Q. December 31, 2015. Is there any 10:29 AM</p> <p>12 action you've engaged in prior to December 31, 2015</p> <p>13 that you're claiming was a basis for the district</p> <p>14 retaliating against you?</p> <p>15 A. I don't understand the question. 10:29 AM</p> <p>16 Q. All right. Do it again. 10:29 AM</p> <p>17 December 31, 2015 was your EEOC 10:29 AM</p> <p>18 complaint, correct?</p> <p>19 A. Yes. 10:29 AM</p> <p>20 Q. O.K. So is there something that you 10:29 AM</p> <p>21 did before December 31, 2015 that you believe the</p> <p>22 district retaliated against you for?</p> <p>23 A. Before December 31, 2015. 10:30 AM</p> <p>24 Q. December 31, 2015? 10:30 AM</p> <p>25 A. I don't know. 10:30 AM</p>
32	<p>1 Carol Melton</p> <p>2 Had you engaged in some activity prior 10:28 AM</p> <p>3 to the 2015-2016 school year that would be a basis</p> <p>4 for the district retaliating against you?</p> <p>5 MR. WATSON: Objection. 10:28 AM</p> <p>6 Q. You can answer the question. 10:28 AM</p> <p>7 A. I don't understand the question. 10:28 AM</p> <p>8 Q. In this action that you have here, are 10:28 AM</p> <p>9 you claiming that the district has retaliated</p> <p>10 against you? Yes or no.</p> <p>11 MR. WATSON: Objection. 10:28 AM</p> <p>12 Q. You can answer the question. 10:28 AM</p> <p>13 A. I really want to answer questions, but 10:28 AM</p> <p>14 I really don't understand what you're asking.</p> <p>15 Q. I'll ask it again. It seems to me 10:28 AM</p> <p>16 it's a very simple question. I'll ask it again.</p> <p>17 Do you recall if your EEOC complaint 10:28 AM</p> <p>18 checking off a box for retaliation? Do you recall</p> <p>19 that.</p> <p>20 A. Yes. 10:28 AM</p> <p>21 Q. In your action you're suing the school 10:28 AM</p> <p>22 district for you're claiming that certain actions</p> <p>23 it took regarding you were in retaliation against</p> <p>24 you; is that not correct?</p> <p>25 A. Yes. 10:29 AM</p>	34	<p>1 Carol Melton</p> <p>2 Q. Can you tell me of anything that 10:30 AM</p> <p>3 you're aware of that you did that you believe the</p> <p>4 district would have retaliated against you for</p> <p>5 prior to your December 31, 2015 EEOC complaint?</p> <p>6 MR. WATSON: Objection. 10:30 AM</p> <p>7 Q. You can answer it. 10:30 AM</p> <p>8 A. I don't know because after I filed my 10:30 AM</p> <p>9 claim, that's when retaliatory actions started.</p> <p>10 Q. O.K. So there was no retaliatory 10:30 AM</p> <p>11 action taken against you prior to December 31,</p> <p>12 2015; is that your testimony?</p> <p>13 A. Not that I recall. 10:30 AM</p> <p>14 Q. Not that your aware of? 10:30 AM</p> <p>15 A. Not that I'm aware of. 10:30 AM</p> <p>16 Q. O.K. These positions that you've 10:30 AM</p> <p>17 given to me, Director of Technology, all these</p> <p>18 other positions, did African-Americans secure any</p> <p>19 of those positions rather than you?</p> <p>20 MR. WATSON: Objection. 10:31 AM</p> <p>21 Q. You can answer the question. 10:31 AM</p> <p>22 Better yet, I'll do them one at a 10:31 AM</p> <p>23 time.</p> <p>24 Director of Technology position, do 10:31 AM</p> <p>25 you know who got that position?</p>

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35	<p>1 Carol Melton</p> <p>2 A. Yes. 10:31 AM</p> <p>3 Q. Who? 10:31 AM</p> <p>4 A. Do you want his name? 10:31 AM</p> <p>5 Q. Yes. 10:31 AM</p> <p>6 A. Oh, Sean Daneshvar. 10:31 AM</p> <p>7 Q. Is Sean Caucasian? 10:31 AM</p> <p>8 A. Yes. 10:31 AM</p> <p>9 Q. The tech teachers' positions that you 10:31 AM</p> <p>10 referred to, who got those positions?</p> <p>11 A. I don't know. 10:31 AM</p> <p>12 Q. Do you know the race of the people who 10:31 AM</p> <p>13 got those positions?</p> <p>14 A. I know that they were not black, but I 10:31 AM</p> <p>15 don't know who they are.</p> <p>16 Q. How do you know they were not black if 10:32 AM</p> <p>17 you don't know who they are?</p> <p>18 A. Because of the board meetings. 10:32 AM</p> <p>19 Q. Explain. 10:32 AM</p> <p>20 A. Well, most people when they get 10:32 AM</p> <p>21 appointed, they go to the board meetings.</p> <p>22 Q. So did you attend all the board 10:32 AM</p> <p>23 meetings at which these positions were awarded, the</p> <p>24 ones that you've described for us?</p> <p>25 A. No. They're filmed. 10:32 AM</p>
36	<p>1 Carol Melton</p> <p>2 Q. Did you look at the films for each 10:32 AM</p> <p>3 one?</p> <p>4 A. Some of them, yes, I did. 10:32 AM</p> <p>5 Q. So you didn't look at the films for 10:32 AM</p> <p>6 all of them but for some of them?</p> <p>7 A. Yes, the ones that I was interested in 10:32 AM</p> <p>8 knowing the information.</p> <p>9 Q. The approximately seven or eight, six, 10:32 AM</p> <p>10 seven or eight, however many there are here, did</p> <p>11 you review the films or videos for each of the</p> <p>12 board meetings that awarded those positions?</p> <p>13 A. That the one you just said. 10:32 AM</p> <p>14 Q. The technical teachers? 10:33 AM</p> <p>15 A. Yes. 10:33 AM</p> <p>16 Q. Tech teachers? 10:33 AM</p> <p>17 A. Yes. 10:33 AM</p> <p>18 Q. How many tech teacher positions were 10:33 AM</p> <p>19 involved that you applied for? Is it just one?</p> <p>20 A. There were quite a few. 10:33 AM</p> <p>21 Q. These are again before 2015-2016. 10:33 AM</p> <p>22 A. This is after 2012, and I said some of 10:33 AM</p> <p>23 them where after 2015.</p> <p>24 Q. All right. But I'm asking you about 10:33 AM</p> <p>25 the ones before the 2015-2016 school year.</p>
37	<p>1 Carol Melton</p> <p>2 A. And I said I don't remember those 10:33 AM</p> <p>3 dates.</p> <p>4 Q. Did any of the tech teacher positions 10:33 AM</p> <p>5 get awarded to people who were not Caucasian?</p> <p>6 A. They were non-black. 10:33 AM</p> <p>7 Q. Non-black. So what were they? 10:33 AM</p> <p>8 A. The could be -- 10:33 AM</p> <p>9 MR. WATSON: Objection. 10:33 AM</p> <p>10 Q. You can answer it. 10:33 AM</p> <p>11 A. They're non-black means they're -- 10:33 AM</p> <p>12 they could be white, Hispanic.</p> <p>13 Q. Oh, so they could be various ethnic 10:33 AM</p> <p>14 groups but they were not African-American.</p> <p>15 A. Correct. 10:33 AM</p> <p>16 Q. All right. The technology positions 10:33 AM</p> <p>17 for which there were more than one, who were those</p> <p>18 awarded to?</p> <p>19 A. Which technology positions? 10:34 AM</p> <p>20 Q. You've identified that you applied for 10:34 AM</p> <p>21 technology positions as promotional positions prior</p> <p>22 to the 2015-2016 school year, and what I want to</p> <p>23 know is who got those positions. You didn't. Who</p> <p>24 got them?</p> <p>25 A. Some went unfilled. 10:34 AM</p>
38	<p>1 Carol Melton</p> <p>2 Q. So some didn't get filled at all. 10:34 AM</p> <p>3 A. Uh-uh. 10:34 AM</p> <p>4 Q. The ones that got filled, are any of 10:34 AM</p> <p>5 the ones you got filled the ones that you applied</p> <p>6 for before the 2015-2016 school year?</p> <p>7 A. I don't know. 10:34 AM</p> <p>8 Q. O.K. The Director of Culture and 10:34 AM</p> <p>9 Climate position, do you know who got that position</p> <p>10 rather than you?</p> <p>11 A. Yes. 10:34 AM</p> <p>12 Q. Who was that? 10:34 AM</p> <p>13 A. Natasha Cherry. 10:34 AM</p> <p>14 Q. And what's Natasha Cherry's race? 10:34 AM</p> <p>15 MR. WATSON: Objection. 10:34 AM</p> <p>16 A. She's Caucasian. 10:34 AM</p> <p>17 MR. RUSHFIELD: What's the 10:34 AM</p> <p>18 objection to that question? You object</p> <p>19 to the form. What's the form objection</p> <p>20 to that question?</p> <p>21 MR. WATSON: I think she already 10:35 AM</p> <p>22 answered this question.</p> <p>23 MR. RUSHFIELD: That's not a 10:35 AM</p> <p>24 form objection. What's the objection to</p> <p>25 the form?</p>

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39	<p>1 Carol Melton</p> <p>2 MR. WATSON: It's confusing. 10:35 AM</p> <p>3 MR. RUSHFIELD: You were confused -- 10:35 AM</p> <p>4 MR. WATSON: I don't know what 10:35 AM</p> <p>5 you mean. I don't think they knows what</p> <p>6 you mean, I think she said that already</p> <p>7 on the record.</p> <p>8 MR. RUSHFIELD: You think she 10:35 AM</p> <p>9 didn't know what I meant by giving me the</p> <p>10 race of Ms. Cherry, that's what your tell</p> <p>11 me.</p> <p>12 MR. WATSON: I'm telling you 10:35 AM</p> <p>13 race, I don't know what that means. I</p> <p>14 think Ms. Melton testified that she</p> <p>15 didn't know what that means.</p> <p>16 BY MR. RUSHFIELD: 10:35 AM</p> <p>17 Q. Ms. Melton, you don't know when I 10:35 AM</p> <p>18 refer to a person's race, you don't know what I</p> <p>19 mean?</p> <p>20 A. When you -- 10:35 AM</p> <p>21 Q. Do you know what I mean when I 10:35 AM</p> <p>22 refer --</p> <p>23 MR. WATSON: Let her answer. 10:35 AM</p> <p>24 Q. When I refer to a person's race, do 10:35 AM</p> <p>25 you know what I mean? Yes or no.</p>	41	<p>1 Carol Melton</p> <p>2 A. Yes. 10:37 AM</p> <p>3 Q. Is this actually the Equal Employment 10:37 AM</p> <p>4 Opportunity complaint that you filed?</p> <p>5 A. Yes. 10:37 AM</p> <p>6 Q. O.K. 10:37 AM</p> <p>7 A. It seems to be. 10:37 AM</p> <p>8 Q. On the second page of that document 10:38 AM</p> <p>9 there's a question asked at the bottom. It says</p> <p>10 "Of the persons in the same or similar situation as</p> <p>11 you, who was treated better than you?" And you</p> <p>12 identify two people, C. Robinson and Donna Roman.</p> <p>13 Did C. Robinson get a promotional 10:38 AM</p> <p>14 position during the 2015-2016 or 2016-2017 school</p> <p>15 years as far as you know?</p> <p>16 A. Can you define "promotional" now. 10:38 AM</p> <p>17 Q. Well, it says here she's a substitute 10:38 AM</p> <p>18 Teaching Assistant. Something above Teaching</p> <p>19 Assistant.</p> <p>20 A. Yes. 10:38 AM</p> <p>21 Q. So what promotional position did they 10:38 AM</p> <p>22 get during the 2015-2016 or 2016-2017 school year?</p> <p>23 A. I don't know if it was 2015-2016, but 10:38 AM</p> <p>24 I know that she is no longer a substitute Teaching</p> <p>25 Assistant.</p>
40	<p>1 Carol Melton</p> <p>2 A. I know what it -- 10:35 AM</p> <p>3 Q. Yes or no. Do you? 10:35 AM</p> <p>4 A. Yes. 10:35 AM</p> <p>5 Q. Thank you. 10:35 AM</p> <p>6 The Coordinator of Culture and Climate 10:35 AM</p> <p>7 positions at the two different schools, do you know</p> <p>8 who got those positions?</p> <p>9 A. No. 10:36 AM</p> <p>10 MR. RUSHFIELD: Let's mark 10:36 AM</p> <p>11 something. Defendant's A. This is</p> <p>12 Defendant's A. It's the complaint in</p> <p>13 this action.</p> <p>14 (Whereupon, Defendant's 10:36 AM</p> <p>15 Exhibit A, Employment Discrimination</p> <p>16 Complaint with attachments, 23 pages,</p> <p>17 filed 5/18/17, is marked for</p> <p>18 identification, as of this date.)</p> <p>19 Q. Attached to the form Employment 10:37 AM</p> <p>20 Discrimination Complaint, midway in the document</p> <p>21 there's something called the U.S. Equal Employment</p> <p>22 Commission Intake Questionnaire. Let me know when</p> <p>23 you've gotten to that piece of the document.</p> <p>24 I think it's eight pages in. Are you 10:37 AM</p> <p>25 there, Ms. Melton?</p>	42	<p>1 Carol Melton</p> <p>2 Q. She's now what? 10:39 AM</p> <p>3 A. A Teaching Assistant. 10:39 AM</p> <p>4 Q. Which is what you are, correct? 10:39 AM</p> <p>5 A. Correct. 10:39 AM</p> <p>6 Q. Well, did that happen during the 10:39 AM</p> <p>7 2015-2016 or 2016-2017 school years? In other</p> <p>8 words, not this past school year.</p> <p>9 A. Not this past school year. 10:39 AM</p> <p>10 Q. All right. 10:39 AM</p> <p>11 A. That I know of, no. 10:39 AM</p> <p>12 Q. Do you consider her having been 10:39 AM</p> <p>13 treated better than you because she stopped being a</p> <p>14 substitute Teaching Assistant and became a Teaching</p> <p>15 Assistant? Yes or no.</p> <p>16 A. I don't understand what you're asking 10:39 AM</p> <p>17 me.</p> <p>18 Q. I'll do it again. 10:39 AM</p> <p>19 A. Yes. 10:39 AM</p> <p>20 Q. Read the question, it says, "Of the 10:39 AM</p> <p>21 persons in the same or similar situation as you who</p> <p>22 was treated better than you?" Let's start with</p> <p>23 this, was Ms. Robinson in a same or similar</p> <p>24 situation to you? Yes or no.</p> <p>25 A. In job title? 10:40 AM</p>

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43	<p>1 Carol Melton</p> <p>2 Q. You answered the question listing her 10:40 AM</p> <p>3 name. Did you understand her to be in the same or</p> <p>4 similar situation as you?</p> <p>5 A. Yes, sir, similar. 10:40 AM</p> <p>6 Q. And how was she in a similar situation 10:40 AM</p> <p>7 as you?</p> <p>8 A. She has the same job responsibilities 10:40 AM</p> <p>9 as a Teaching Assistant.</p> <p>10 Q. O.K. And Ms. Roman, that's the other 10:40 AM</p> <p>11 name here, Donna Roman, health aide, is she in a</p> <p>12 same or similar situation as you? Or, I should</p> <p>13 say, was she in that situation at the time you</p> <p>14 filed, you prepared this questionnaire?</p> <p>15 A. That's a yes and a no. 10:40 AM</p> <p>16 Q. Well, why did you list her name here? 10:41 AM</p> <p>17 A. I listed it because she is an employee 10:41 AM</p> <p>18 of the school district. She is not a Teaching</p> <p>19 Assistant, however.</p> <p>20 Q. Why did you list her name? 10:41 AM</p> <p>21 A. Because the reason why, she was 10:41 AM</p> <p>22 allowed to do things that I was not allowed to do</p> <p>23 even though she's a health aide. So we are not the</p> <p>24 same job titles. We have different</p> <p>25 responsibilities.</p>	45	<p>1 Carol Melton</p> <p>2 similar situation as you, who was treated the same</p> <p>3 as you?" Loretta Ayers-Holloway is listed, she</p> <p>4 apparently is a Teaching Assistant. Was Loretta</p> <p>5 Ayers-Holloway denied an employment opportunity</p> <p>6 that you were also denied?</p> <p>7 A. I don't know. 10:43 AM</p> <p>8 Q. O.K. Well, was Vicki Harris, who you 10:43 AM</p> <p>9 list as black female health aide, was she denied an</p> <p>10 is employment opportunity that you were also</p> <p>11 denied?</p> <p>12 A. I don't know that either. 10:43 AM</p> <p>13 Q. Was Ms. Ayers-Holloway denied a 10:43 AM</p> <p>14 promotional opportunity that you were denied?</p> <p>15 A. I don't know that. 10:43 AM</p> <p>16 Q. Did she receive any promotions at all 10:43 AM</p> <p>17 during the 2015 or 2016-17 school years?</p> <p>18 A. I don't know. 10:43 AM</p> <p>19 Q. Ms. Harris, was she granted a 10:43 AM</p> <p>20 promotion during the 2015-16 or 2016-17 school</p> <p>21 years?</p> <p>22 A. I don't know. 10:43 AM</p> <p>23 Q. O.K. I'm going to get now to the 10:43 AM</p> <p>24 Facts: Amendment, this is where you lay out your</p> <p>25 factual allegations. It's a few pages further</p>
44	<p>1 Carol Melton</p> <p>2 Q. O.K. Was she granted any promotional 10:41 AM</p> <p>3 opportunities during the 2015-2016 or 2016-2017</p> <p>4 school year, as far as you know?</p> <p>5 A. I don't know the exact date, but yes. 10:41 AM</p> <p>6 Q. What was her promotion? 10:41 AM</p> <p>7 A. Teaching Assistant. 10:41 AM</p> <p>8 Q. O.K. So she ended up becoming the 10:41 AM</p> <p>9 same position you now occupy.</p> <p>10 A. Yes. 10:41 AM</p> <p>11 Q. Was Ms. Robinson or Ms. Roman granted 10:41 AM</p> <p>12 an employment opportunity that you were denied</p> <p>13 during the 2015-16 or 2016-17 school year?</p> <p>14 A. I don't know. 10:42 AM</p> <p>15 Q. Do you have any information that would 10:42 AM</p> <p>16 lead you to believe that either one was granted an</p> <p>17 employment opportunity that you were not during</p> <p>18 those -- either of those two school years?</p> <p>19 A. I don't know. 10:42 AM</p> <p>20 Q. You have no information, correct? 10:42 AM</p> <p>21 MR. WATSON: Objection. 10:42 AM</p> <p>22 Q. You can answer the question. 10:42 AM</p> <p>23 A. I don't have. 10:42 AM</p> <p>24 Q. O.K. On the next page you list under 10:42 AM</p> <p>25 the question, "Of the persons in the same or</p>	46	<p>1 Carol Melton</p> <p>2 back.</p> <p>3 The first allegation states, No. 1, 10:43 AM</p> <p>4 "On or about September 1, 2015, the Poughkeepsie</p> <p>5 City School District involuntarily transferred me</p> <p>6 while not transferring a non-black employee(s) with</p> <p>7 less seniority and in disregard for seniority."</p> <p>8 Who were the non-black employees who 10:44 AM</p> <p>9 were left in place while you were involuntarily</p> <p>10 transferred?</p> <p>11 A. Was Maria Brown. 10:44 AM</p> <p>12 Q. And where was Maria Brown assigned to? 10:44 AM</p> <p>13 A. She was at Clinton school. 10:44 AM</p> <p>14 Q. O.K. And were you at Clinton school 10:44 AM</p> <p>15 at the time of your reassignment?</p> <p>16 A. Yes. 10:44 AM</p> <p>17 Q. Had you been assigned to Clinton 10:44 AM</p> <p>18 school for the September 1, 2015 school year?</p> <p>19 Hadn't you been assigned to the Circle 10:45 AM</p> <p>20 of Courage for the beginning of the 2015-2016</p> <p>21 school year?</p> <p>22 A. Yes. 10:45 AM</p> <p>23 Q. So I ask again. Of the teachers who 10:45 AM</p> <p>24 had been assigned initially to that school for that</p> <p>25 school year, who you are claiming was a non-black</p>

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47	<p>1 Carol Melton</p> <p>2 employee who should have been transferred instead</p> <p>3 of you?</p> <p>4 A. Yes. 10:45 AM</p> <p>5 Q. That would be who? 10:45 AM</p> <p>6 A. Maria Brown. 10:45 AM</p> <p>7 Q. And she was at Clinton. 10:45 AM</p> <p>8 A. She was at Clinton. 10:45 AM</p> <p>9 Q. And was she in a mandated class? 10:45 AM</p> <p>10 Are you aware of the term "mandated</p> <p>11 class"?</p> <p>12 A. Yes. 10:45 AM</p> <p>13 Q. Was she assigned to a mandated class, 10:45 AM</p> <p>14 Ms. -- what was her name?</p> <p>15 A. Maria Brown. 10:45 AM</p> <p>16 Q. Was Ms. Brown assigned to a mandated 10:45 AM</p> <p>17 class at Clinton?</p> <p>18 A. We -- 10:45 AM</p> <p>19 Q. Was she assigned to a mandated class 10:45 AM</p> <p>20 at Clinton?</p> <p>21 A. I do not know that. 10:45 AM</p> <p>22 Q. You don't know one way or the other? 10:45 AM</p> <p>23 Do you know one way or the other? 10:45 AM</p> <p>24 A. I know that I was involuntarily 10:46 AM</p> <p>25 transferred out of seniority.</p>	49	<p>1 Carol Melton</p> <p>2 bargaining unit, right, you're a union employee?</p> <p>3 A. Yes. 10:47 AM</p> <p>4 Q. Is that AF -- what's the name of your 10:47 AM</p> <p>5 union?</p> <p>6 A. PPSPA, Poughkeepsie Paraprofessionals. 10:47 AM</p> <p>7 Q. O.K. And you have a union contract? 10:47 AM</p> <p>8 A. Yes. 10:47 AM</p> <p>9 Q. That union contract has a grievance 10:47 AM</p> <p>10 arbitration procedure?</p> <p>11 A. Yes. 10:47 AM</p> <p>12 Q. And you say now in this reference that 10:47 AM</p> <p>13 non-black employees, and you've told me, you've</p> <p>14 actually given me the name of one, with less</p> <p>15 seniority than you were not involuntarily</p> <p>16 transferred and this was in disregard of seniority.</p> <p>17 That right of seniority governing your ability to</p> <p>18 not be involuntarily transferred, is that a</p> <p>19 contractual right?</p> <p>20 A. Yes. 10:48 AM</p> <p>21 Q. It would be pursuant to the terms of 10:48 AM</p> <p>22 the collective bargaining agreement, correct?</p> <p>23 MR. WATSON: Objection. 10:48 AM</p> <p>24 Q. You can answer it. 10:48 AM</p> <p>25 A. The wording is in our contract. 10:48 AM</p>
48	<p>1 Carol Melton</p> <p>2 Q. I didn't ask you that. 10:46 AM</p> <p>3 Do you know one way or the other 10:46 AM</p> <p>4 whether Ms. Brown was assigned to a mandated class?</p> <p>5 A. I don't know. 10:46 AM</p> <p>6 Q. O.K. And a mandated class is like a 10:46 AM</p> <p>7 special education class that must have a Teaching</p> <p>8 Assistant; is that fair?</p> <p>9 A. Yes. 10:46 AM</p> <p>10 Q. O.K. At the beginning of the 10:46 AM</p> <p>11 2015-2016 -- well, let's just do it this way.</p> <p>12 With regard to this, were there black 10:46 AM</p> <p>13 employees with less seniority than you who were</p> <p>14 also not involuntarily transferred that year?</p> <p>15 Let me ask it differently. Are you 10:46 AM</p> <p>16 senior to any black Teaching Assistants?</p> <p>17 A. Yes. 10:46 AM</p> <p>18 Q. And were you senior to any black 10:46 AM</p> <p>19 Teaching Assistants on September 1, 2015?</p> <p>20 A. Yes. 10:47 AM</p> <p>21 Q. Were those black or African-American 10:47 AM</p> <p>22 Teaching Assistants, were they voluntarily</p> <p>23 transferred that year?</p> <p>24 A. I don't know. 10:47 AM</p> <p>25 Q. Did you file -- you are a member of a 10:47 AM</p>	50	<p>1 Carol Melton</p> <p>2 Q. I use the term "collective bargaining 10:48 AM</p> <p>3 agreement," 'cause this is not like an individual</p> <p>4 contract; this is a union contract, right?</p> <p>5 A. Yes. 10:48 AM</p> <p>6 Q. O.K. And did you file a grievance 10:48 AM</p> <p>7 over that issue?</p> <p>8 A. Yes. 10:48 AM</p> <p>9 MR. RUSHFIELD: Before I do 10:48 AM</p> <p>10 that, let's have this marked as</p> <p>11 Defendant's B.</p> <p>12 (Whereupon, Defendant's 10:48 AM</p> <p>13 Exhibit B, one-page document titled "9420</p> <p>14 Assignments and Transfers," is marked for</p> <p>15 identification, as of this date.)</p> <p>16 Q. Now, this is a document, Ms. Melton, 10:49 AM</p> <p>17 that you've provided to me in discovery in this</p> <p>18 case. What is this?</p> <p>19 A. You said I gave this to you? 10:49 AM</p> <p>20 Q. Yes, you produced this to us in 10:49 AM</p> <p>21 discovery. That's why it doesn't have a Bates</p> <p>22 stamp number on it.</p> <p>23 Do you know what it is? 10:50 AM</p> <p>24 A. I'm looking at it. 10:50 AM</p> <p>25 Q. I can see that. Let me rephrase the 10:50 AM</p>

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51	<p>1 Carol Melton</p> <p>2 question.</p> <p>3 Is this not a policy of the 10:50 AM</p> <p>4 Poughkeepsie City School District?</p> <p>5 A. This is a -- it looks like -- because 10:50 AM</p> <p>6 there's some things missing from it, but it looks</p> <p>7 like the -- part of the school board policy.</p> <p>8 Q. O.K. Do you recall providing this to 10:50 AM</p> <p>9 me in this case?</p> <p>10 A. I don't recall. 10:50 AM</p> <p>11 Q. O.K. You've seen it before today? 10:50 AM</p> <p>12 A. Yes, I have seen this before. 10:50 AM</p> <p>13 Q. O.K. The first paragraph of this 10:50 AM</p> <p>14 document states, and I quote, "On occasion, for the</p> <p>15 efficient operation of the district, it may become</p> <p>16 necessary to change the assignment of teachers and</p> <p>17 other staff to classrooms or to other buildings."</p> <p>18 Were you aware of that being part of 10:50 AM</p> <p>19 the District's policy in September of 2015.</p> <p>20 A. I don't remember. 10:51 AM</p> <p>21 Q. But you became aware of it at some 10:51 AM</p> <p>22 point, right?</p> <p>23 A. Yes. 10:51 AM</p> <p>24 Q. O.K. Give me that one back. 10:51 AM</p> <p>25 MR. RUSHFIELD: Defendant's C. 10:51 AM</p>	53
52	<p>1 Carol Melton</p> <p>2 (Whereupon, Defendant's 10:51 AM</p> <p>3 Exhibit C, Official Grievance Form,</p> <p>4 000043, with attached Stage I, 000019,</p> <p>5 and Stage II, 000042 and 000045,</p> <p>6 documents, is marked for identification,</p> <p>7 as of this date.)</p> <p>8 Q. Defendant's C, the first page of that 10:52 AM</p> <p>9 document -- there's a number of documents in here.</p> <p>10 Defendant's C, does that bear your signature where</p> <p>11 it says "Signature of Employee"?</p> <p>12 A. Yes. 10:52 AM</p> <p>13 Q. And was that about the 10:52 AM</p> <p>14 September 1, 2015 involuntary transfer that you</p> <p>15 refer to in the very first paragraph of the Facts:</p> <p>16 Amendment of your EEOC complaint?</p> <p>17 A. Yes. 10:53 AM</p> <p>18 Q. O.K. I see signature of union 10:53 AM</p> <p>19 representative Sarah Herman. What's Ms. Herman's</p> <p>20 race?</p> <p>21 A. She's white. 10:53 AM</p> <p>22 Q. O.K. Now, the second page of this 10:53 AM</p> <p>23 document is a decision by Nadine Dargan. Do you</p> <p>24 see that? Yes?</p> <p>25 A. Yes. 10:53 AM</p>	54

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55	<p>1 Carol Melton</p> <p>2 that had to have a Teaching Assistant, right?</p> <p>3 A. Yes. 10:55 AM</p> <p>4 Q. O.K. Anyway, your grievance then, if 10:55 AM</p> <p>5 you go to the next page, your grievance then went</p> <p>6 up to a Stage II response by Dr. Cook. And if you</p> <p>7 read it, you'll see he basically states the same</p> <p>8 reason why your grievance is not viable.</p> <p>9 And then the next page seems to be 10:56 AM</p> <p>10 typewritten notes of a meeting by Ms. Dargan. Did</p> <p>11 you have a meeting about this grievance on June 10,</p> <p>12 2016?</p> <p>13 A. I don't know what these notes are 10:56 AM</p> <p>14 referring to.</p> <p>15 Q. O.K. So let me go back to the Facts: 10:56 AM</p> <p>16 Amendment portion of your complaint, if I may. You</p> <p>17 can put that down.</p> <p>18 Let me see if I've got it right. It 10:57 AM</p> <p>19 says, No. 1 was that on September 1, 2015, you were</p> <p>20 involuntarily transferred, and you were transferred</p> <p>21 from where to where?</p> <p>22 A. I'm sorry, could you repeat that? 10:57 AM</p> <p>23 Q. Sure. Facts: Amendment of your 10:57 AM</p> <p>24 complaint, the first paragraph, on or about</p> <p>25 September 1, 2015, you were involuntarily</p>	57	<p>1 Carol Melton</p> <p>2 you talking about a subsequent transfer from Circle</p> <p>3 of Courage to Morse?</p> <p>4 A. I was talking about both. 10:58 AM</p> <p>5 Q. O.K. And after your grievance were 10:58 AM</p> <p>6 denied, a per -- well, withdraw that.</p> <p>7 You are aware that your grievance was 10:59 AM</p> <p>8 denied by the school district?</p> <p>9 A. It was denied on the first step. 10:59 AM</p> <p>10 Q. It was denied also on Stage II, wasn't 10:59 AM</p> <p>11 it, that's the second step, by Dr. Cook?</p> <p>12 A. Yes. 10:59 AM</p> <p>13 Q. Did it ever go to the third stage? 10:59 AM</p> <p>14 A. It went to subsequent steps. 10:59 AM</p> <p>15 Q. Well, the last step was to the Board 10:59 AM</p> <p>16 of Ed, right?</p> <p>17 A. Yes. 10:59 AM</p> <p>18 Q. And did the Board of Ed deny your 10:59 AM</p> <p>19 grievance, Defendant's C?</p> <p>20 A. Yes. 10:59 AM</p> <p>21 Q. And did the union arbitrate the claim 10:59 AM</p> <p>22 that you had a right to keep these positions that</p> <p>23 you were assigned because of your seniority?</p> <p>24 A. No. They did not go to arbitration. 10:59 AM</p> <p>25 Q. So the final decision on the case 10:59 AM</p>
56	<p>1 Carol Melton</p> <p>2 transferred. That was from what school to what</p> <p>3 school then?</p> <p>4 A. That was from Clinton to the PACE 10:57 AM</p> <p>5 Academy.</p> <p>6 Q. And PACE Academy is also Circle of 10:57 AM</p> <p>7 Courage, correct?</p> <p>8 A. Yes. 10:57 AM</p> <p>9 Q. Different names. It's gone through 10:57 AM</p> <p>10 different names, correct?</p> <p>11 A. Yes. 10:57 AM</p> <p>12 Q. So are you claiming -- I think I 10:57 AM</p> <p>13 understand your testimony from before. Is it your</p> <p>14 claim that seniority should determine who went to</p> <p>15 Circle of Courage among Teaching Assistants?</p> <p>16 A. As per our CBA, seniority is the most 10:58 AM</p> <p>17 important factor in all transfers and extra</p> <p>18 assignments.</p> <p>19 Q. Did you grieve that transfer? 10:58 AM</p> <p>20 I see we have, in Defendant's C, in 10:58 AM</p> <p>21 there, you said that involuntary transfers should</p> <p>22 not be made unless it's for programmatic reasons</p> <p>23 only. In your grievance in Defendant's C, were you</p> <p>24 talking about the transfer to Clinton -- I'm sorry,</p> <p>25 from Clinton to PACE or Circle of Courage or were</p>	58	<p>1 Carol Melton</p> <p>2 under the collective bargaining agreement was that</p> <p>3 of the Board of Education, right?</p> <p>4 A. Yes, in regard to steps. 10:59 AM</p> <p>5 Q. In regard to your grievance, the final 10:59 AM</p> <p>6 decision rendered was the one by the Board of</p> <p>7 Education, is that not correct?</p> <p>8 A. On Step 4, yes. 11:00 AM</p> <p>9 Q. Right. And if it didn't go to 11:00 AM</p> <p>10 arbitration, that final decision by the board</p> <p>11 stands, correct?</p> <p>12 A. No. 11:00 AM</p> <p>13 Q. Well, did you seek to have it 11:00 AM</p> <p>14 arbitrated?</p> <p>15 A. No. 11:00 AM</p> <p>16 Q. Did you sue your union to force them 11:00 AM</p> <p>17 to arbitrate it?</p> <p>18 A. No. 11:00 AM</p> <p>19 Q. Did you go to an administrative 11:00 AM</p> <p>20 agency, like the Public Employment Relations Board,</p> <p>21 to get them to force your union to arbitrate it?</p> <p>22 A. Yes. 11:00 AM</p> <p>23 Q. And what happened there? Did it get 11:00 AM</p> <p>24 arbitrated?</p> <p>25 A. That's not arbitration. 11:00 AM</p>

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59	<p>1 Carol Melton</p> <p>2 Q. Did the Public Employment Relations 11:00 AM</p> <p>3 Board find the union was required to arbitrate your</p> <p>4 grievance? Yes or no.</p> <p>5 A. I really want to answer the question, 11:00 AM</p> <p>6 but the Public Employer Relations Board doesn't</p> <p>7 tell our union to -- whether or not they should</p> <p>8 arbitrate.</p> <p>9 Q. Did the Public Employment Relations 11:01 AM</p> <p>10 Board render a determination that your union had</p> <p>11 done something wrong in not arbitrating this</p> <p>12 grievance? Yes or no.</p> <p>13 A. Yes. 11:01 AM</p> <p>14 Q. What did the Public Employment -- so 11:01 AM</p> <p>15 you're saying the Public Employment Relations Board</p> <p>16 had a hearing and rendered a decision?</p> <p>17 A. I didn't say we had a hearing. 11:01 AM</p> <p>18 Q. Did they render a decision? Yes or 11:01 AM</p> <p>19 no.</p> <p>20 A. I need to speak with my -- 11:01 AM</p> <p>21 Q. You have to answer my last outstanding 11:01 AM</p> <p>22 question before you can discuss it with counsel.</p> <p>23 A. O.K. 11:01 AM</p> <p>24 Q. You have do any knowledge that the 11:01 AM</p> <p>25 Public Employment Relations Board -- and I have to</p>	61	<p>1 Carol Melton</p> <p>2 ahead. Go right ahead. I'll show you a</p> <p>3 good place to go.</p> <p>4 (Whereupon, there is a recess 11:03 AM</p> <p>5 taken.)</p> <p>6 BY MR. RUSHFIELD: 11:10 AM</p> <p>7 Q. After consulting -- 11:10 AM</p> <p>8 MR. WATSON: Counsel, just to 11:10 AM</p> <p>9 clarify what the discussion was about --</p> <p>10 MR. RUSHFIELD: You don't 11:10 AM</p> <p>11 have -- you're going to tell me what your</p> <p>12 conversation with her was about?</p> <p>13 MR. WATSON: No. Just to be 11:10 AM</p> <p>14 clear why she needed to confer with me.</p> <p>15 MR. RUSHFIELD: Let's go off the 11:10 AM</p> <p>16 record.</p> <p>17 (Whereupon, there is a 11:10 AM</p> <p>18 discussion off the record.)</p> <p>19 BY MR. RUSHFIELD: 11:10 AM</p> <p>20 Q. Ms. Melton, after consulting with 11:10 AM</p> <p>21 counsel, do you want to change any of the answers</p> <p>22 to the questions so far?</p> <p>23 A. If you could just repeat the last 11:10 AM</p> <p>24 question or the question you're asking me.</p> <p>25 MR. RUSHFIELD: Give me the last 11:11 AM</p>
60	<p>1 Carol Melton</p> <p>2 tell you the decisions are public, I can pull them</p> <p>3 up. Are you telling me that the Public Employment</p> <p>4 Relations Board rendered a decision that your union</p> <p>5 did something wrong in not processing the grievance</p> <p>6 at Defendant's C to arbitration?</p> <p>7 A. I'm not trying to be difficult. It's 11:02 AM</p> <p>8 a yes or no answer.</p> <p>9 Q. It is a yes or no answer. Either they 11:02 AM</p> <p>10 did or they didn't.</p> <p>11 A. Well, they did. 11:02 AM</p> <p>12 Q. They rendered a decision. What did 11:02 AM</p> <p>13 the decision say?</p> <p>14 A. So that's why I asked can I speak with 11:02 AM</p> <p>15 my attorney.</p> <p>16 Q. First you have to tell me what you 11:02 AM</p> <p>17 recall the decision said before you can discuss it</p> <p>18 with counsel.</p> <p>19 A. The PERB case associated with was 11:02 AM</p> <p>20 settled.</p> <p>21 Q. And did the settlement provide that 11:02 AM</p> <p>22 your grievance was to be processed to arbitration?</p> <p>23 A. No. 11:02 AM</p> <p>24 And now may I have the caucus. 11:02 AM</p> <p>25 MR. RUSHFIELD: Yes, go right 11:02 AM</p>	62	<p>1 Carol Melton</p> <p>2 question and answer.</p> <p>3 You have answered it. 11:11 AM</p> <p>4 Give me the last question and 11:11 AM</p> <p>5 answer, please.</p> <p>6 (Whereupon, the record is read.) 11:11 AM</p> <p>7 Q. Is there anything you want to correct 11:11 AM</p> <p>8 or change after speaking with counsel?</p> <p>9 A. No. 11:11 AM</p> <p>10 Q. O.K. The position that Ms. Brown held 11:11 AM</p> <p>11 at Clinton, what was she assigned to when she was</p> <p>12 at Clinton, that last year or for the following</p> <p>13 school year, what was her assignment?</p> <p>14 A. Oh. She was assigned to different 11:11 AM</p> <p>15 classrooms.</p> <p>16 Q. Special education classrooms? 11:11 AM</p> <p>17 A. No. 11:12 AM</p> <p>18 Q. Why would a Teaching Assistant -- you 11:12 AM</p> <p>19 mean, she was just assigned to various classrooms</p> <p>20 just to be there?</p> <p>21 A. Yes. 11:12 AM</p> <p>22 Q. And she wasn't required to be there by 11:12 AM</p> <p>23 any student's IEP, is that what you're telling me?</p> <p>24 A. Yes. 11:12 AM</p> <p>25 Q. What was your assignment when you were 11:12 AM</p>

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63	<p>1 Carol Melton</p> <p>2 at Clinton?</p> <p>3 A. I was assigned to different 11:12 AM</p> <p>4 classrooms.</p> <p>5 Q. Same thing as her? 11:12 AM</p> <p>6 A. Yes. 11:12 AM</p> <p>7 Q. Mrs. Brown, O.K. 11:12 AM</p> <p>8 Which of you, Ms. Brown or you had 11:12 AM</p> <p>9 been longer at Clinton, by the way?</p> <p>10 A. I have more seniority. 11:12 AM</p> <p>11 Q. At Clinton as opposed to 11:12 AM</p> <p>12 district-wide? 'Cause that's what my question is,</p> <p>13 which of you had been there longer at Clinton, not</p> <p>14 which of you had been longer employed. Which of</p> <p>15 you had been longer employed at Clinton?</p> <p>16 A. I don't know that. 11:12 AM</p> <p>17 Q. You don't know the answer. 11:12 AM</p> <p>18 A. No. 11:12 AM</p> <p>19 Q. O.K. Well, when you started working 11:12 AM</p> <p>20 there, was she already working there?</p> <p>21 A. I think so. 11:13 AM</p> <p>22 Q. When did you start working there? 11:13 AM</p> <p>23 A. I started working at Clinton in 11:13 AM</p> <p>24 approximately 2011.</p> <p>25 Q. At the time of your transfer from 11:13 AM</p>	65
64	<p>1 Carol Melton</p> <p>2 Clinton to Circle of Courage, did you spend any</p> <p>3 time working at Circle of Courage or PACE?</p> <p>4 A. Yes. 11:13 AM</p> <p>5 Q. For about what, about two weeks? 11:13 AM</p> <p>6 A. Yeah, approximately. 11:14 AM</p> <p>7 Q. All right. And then you were 11:14 AM</p> <p>8 transferred, involuntarily again, to Morse, right?</p> <p>9 A. Yes. 11:14 AM</p> <p>10 Q. Did you consider either of those 11:14 AM</p> <p>11 transfers to be an act of racial discrimination?</p> <p>12 A. Not at that time. 11:14 AM</p> <p>13 Q. When did you conclude that -- well, 11:14 AM</p> <p>14 first of all, do you now consider either of those</p> <p>15 actions to be acts of racial discrimination,</p> <p>16 transfer from Clinton to Circle of Courage,</p> <p>17 transfer from Circle of Courage to Morse?</p> <p>18 A. Yes. 11:14 AM</p> <p>19 Q. Both or either one of the two? 11:14 AM</p> <p>20 A. Both. 11:14 AM</p> <p>21 Q. O.K. When did you come to the 11:14 AM</p> <p>22 conclusion that those transfers were both acts of</p> <p>23 racial discrimination?</p> <p>24 A. After I had some knowledge of who, the 11:14 AM</p> <p>25 non-black employees, that had less seniority to me.</p>	66
	<p>1 Carol Melton</p> <p>2 Q. Well, you've mentioned Ms. Brown, who 11:15 AM</p> <p>3 was, in terms of transfer from Clinton to Circle of</p> <p>4 Courage.</p> <p>5 A. Yes. 11:15 AM</p> <p>6 Q. And at Circle of Courage, I think you 11:15 AM</p> <p>7 testified you were assigned to a lab, right?</p> <p>8 A. Yes. 11:15 AM</p> <p>9 Q. O.K. Non-black employee should have 11:15 AM</p> <p>10 been transferred instead of you -- I'm sorry.</p> <p>11 Are there black employees that should 11:15 AM</p> <p>12 have been transferred instead of you because they</p> <p>13 were junior to you in terms of going from Circle of</p> <p>14 Courage to Morse?</p> <p>15 A. I don't know. 11:15 AM</p> <p>16 Q. Well, there are black Teaching 11:15 AM</p> <p>17 Assistants who are junior to you in terms of</p> <p>18 district-wide seniority, right?</p> <p>19 A. Yes. 11:15 AM</p> <p>20 Q. And it's your position that 11:15 AM</p> <p>21 district-wide seniority should determine who gets</p> <p>22 transferred, right?</p> <p>23 A. Yes. 11:15 AM</p> <p>24 Q. Right? So both black and white 11:15 AM</p> <p>25 Teaching Assistants should have been transferred</p>	

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67	<p>1 Carol Melton</p> <p>2 Q. I'm not -- Teaching Assistants. I'm 11:16 AM</p> <p>3 sorry. I don't if I said teachers. Teaching</p> <p>4 Assistants.</p> <p>5 Do you know whether there were white 11:16 AM</p> <p>6 Teaching Assistants involuntarily transferred that</p> <p>7 year?</p> <p>8 A. O.K. No, There were no white Teaching 11:16 AM</p> <p>9 Assistants that were involuntarily transferred.</p> <p>10 Q. Do you know if there were any other 11:17 AM</p> <p>11 black Teaching Assistants other than you who were</p> <p>12 involuntarily transferred that year?</p> <p>13 A. No. 11:17 AM</p> <p>14 Q. Do you know whether a white Teaching 11:17 AM</p> <p>15 Assistant has ever been involuntarily transferred?</p> <p>16 A. I don't know that. 11:17 AM</p> <p>17 Q. Do you know if any Teaching Assistant 11:17 AM</p> <p>18 other than you has ever been involuntarily</p> <p>19 transferred?</p> <p>20 A. If -- repeat that. 11:17 AM</p> <p>21 Q. Sure. Do you know if a Teaching 11:17 AM</p> <p>22 Assistant other than you has ever been</p> <p>23 involuntarily transferred in the Poughkeepsie City</p> <p>24 School District?</p> <p>25 A. I don't know that. 11:17 AM</p>	69
68	<p>1 Carol Melton</p> <p>2 Q. So actually the only thing you know is 11:17 AM</p> <p>3 that you were involuntarily transferred.</p> <p>4 A. Yes. 11:18 AM</p> <p>5 Q. O.K. So anyway, in terms of whatever 11:17 AM</p> <p>6 happened with the Public Employment Relations Board</p> <p>7 and your grievance on these transfers, the ones</p> <p>8 that are referred to in the first two paragraphs of</p> <p>9 your Facts: Amendment portion of your complaint --</p> <p>10 A. Mm-hmm. 11:18 AM</p> <p>11 Q. -- did anyone give you any remedy for 11:18 AM</p> <p>12 your voluntary transfers?</p> <p>13 A. I don't know what you mean by remedy. 11:18 AM</p> <p>14 Q. Well, when you filed a grievance, you 11:18 AM</p> <p>15 were seeking to be "made whole," in quotes, right?</p> <p>16 That's what it says, right?</p> <p>17 A. Yes. 11:18 AM</p> <p>18 Q. What did you want? 11:18 AM</p> <p>19 A. Well, made whole depends on what we're 11:18 AM</p> <p>20 talking about.</p> <p>21 Q. What did you want? 11:18 AM</p> <p>22 A. So ideally I should have been 11:18 AM</p> <p>23 transferred back to Clinton School.</p> <p>24 Q. And were you ever transferred back to 11:18 AM</p> <p>25 Clinton School?</p>	70
	<p>1 Carol Melton</p> <p>2 A. No, I was no. 11:18 AM</p> <p>3 Q. Should you have also been, if not back 11:18 AM</p> <p>4 to Clinton School, back to Circle of Courage?</p> <p>5 A. Yes. 11:18 AM</p> <p>6 Q. Weren't you offered a transfer back to 11:18 AM</p> <p>7 the Circle of Courage which you declined?</p> <p>8 A. Yes. 11:18 AM</p> <p>9 Q. O.K. Is there anything else you 11:18 AM</p> <p>10 wanted, other than being transferred back, was</p> <p>11 there some other remedy you were seeking in your</p> <p>12 grievance?</p> <p>13 A. That they need to move those 11:19 AM</p> <p>14 individuals to the appropriate place so if -- the</p> <p>15 making whole means they would transfer those with</p> <p>16 less seniority to those positions that are now</p> <p>17 open.</p> <p>18 Q. You wanted the district -- let's see 11:19 AM</p> <p>19 if I've got it right. Is it your testimony that as</p> <p>20 part of your remedy you wanted the district to</p> <p>21 agree that it was obligated to use district-wide</p> <p>22 seniority in making involuntarily Teaching</p> <p>23 Assistant transfers?</p> <p>24 A. That is what our CBA says. 11:19 AM</p> <p>25 Q. That's what your argument was it 11:19 AM</p>	

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71	<p>1 Carol Melton</p> <p>2 should have been.</p> <p>3 Q. And if they don't volunteer, then 11:20 AM</p> <p>4 what?</p> <p>5 A. If they don't volunteer, then it goes 11:20 AM</p> <p>6 on the basis of least senior person.</p> <p>7 Q. All right. And this is something that 11:21 AM</p> <p>8 Dr. Cook put out, you said?</p> <p>9 A. Yes, he -- 11:21 AM</p> <p>10 Q. Have you seen this document? 11:21 AM</p> <p>11 A. Yes. 11:21 AM</p> <p>12 Q. Do you have this document? 11:21 AM</p> <p>13 A. Do I have this document? 11:21 AM</p> <p>14 Q. Do you have a copy of it? 11:21 AM</p> <p>15 A. I am not sure. 11:21 AM</p> <p>16 Q. Well, if you have a copy of it, I'm 11:21 AM</p> <p>17 going to ask you to produce it, 'cause it's not</p> <p>18 something you produced in discovery so far.</p> <p>19 A. O.K. 11:21 AM</p> <p>20 Q. At paragraph 4 of the Facts: Amendment 11:21 AM</p> <p>21 portion of your complaint, it says, "On or about</p> <p>22 October 14, 2015, the Poughkeepsie City School</p> <p>23 District took away my paid (approximately \$12,000</p> <p>24 in pay) 2015-2016 school year extra assignment</p> <p>25 position after I held said position for a number of</p>	73	<p>1 Carol Melton</p> <p>2 either race based in this action, that it was</p> <p>3 because of your race, or that it was in retaliation</p> <p>4 for a protected activity, something you're</p> <p>5 protected, in this case, by the discrimination laws</p> <p>6 to do.</p> <p>7 You just told me that with regard to 11:23 AM</p> <p>8 your allegation in paragraph 4, that was both a</p> <p>9 retaliation issue and a race issue. Are you</p> <p>10 alleging in this action that the Poughkeepsie City</p> <p>11 School District took away your paid 21st Century</p> <p>12 after-school program position and gave it to a</p> <p>13 non-black person in retaliation for some protected</p> <p>14 activity you engaged in.</p> <p>15 A. For this date. 11:24 AM</p> <p>16 Q. Yes, paragraph 4. 11:24 AM</p> <p>17 A. O.K. So this date definitely based on 11:24 AM</p> <p>18 race.</p> <p>19 Q. O.K. So this is not a retaliation 11:24 AM</p> <p>20 claim.</p> <p>21 A. And after that it's the same position. 11:24 AM</p> <p>22 Q. With regard to the allegation of 11:24 AM</p> <p>23 paragraph 4, are you making a retaliation claim</p> <p>24 there or are you limiting it to a race</p> <p>25 discrimination claim?</p>
72	<p>1 Carol Melton</p> <p>2 years and gave it to a non-black person which was</p> <p>3 out of seniority. I was the only individual in my</p> <p>4 position in the Poughkeepsie City School District</p> <p>5 that they took the position from." I'm sorry, "out</p> <p>6 of seniority and violated past practice. I was the</p> <p>7 only individual in the Poughkeepsie City School</p> <p>8 District that they took the position from."</p> <p>9 What position was that referring to? 11:22 AM</p> <p>10 A. That was for the 21st Century 11:22 AM</p> <p>11 after-school program.</p> <p>12 Q. And are you claiming that was an act 11:22 AM</p> <p>13 of race discrimination or an act of retaliation or</p> <p>14 both?</p> <p>15 A. Both. 11:22 AM</p> <p>16 Q. O.K. In terms of retaliation, what 11:22 AM</p> <p>17 would it have been retaliation for?</p> <p>18 A. Well, I filed a grievance. 11:23 AM</p> <p>19 Q. So are you making a retaliation claim 11:23 AM</p> <p>20 in this case regarding the allegations of</p> <p>21 paragraph 4.</p> <p>22 A. I'm sorry, say that again. 11:23 AM</p> <p>23 Q. All right. You understand you have 11:23 AM</p> <p>24 claims of denial of promotion and denial of job</p> <p>25 assignments you were seeking, and your claims are</p>	74	<p>1 Carol Melton</p> <p>2 A. A race. 11:24 AM</p> <p>3 Q. O.K. You said you held that position 11:24 AM</p> <p>4 for a number of years. Where did you hold that</p> <p>5 position?</p> <p>6 A. Clinton. 11:24 AM</p> <p>7 Q. O.K. Now, on October 4, 2015, were 11:24 AM</p> <p>8 you employed at Clinton?</p> <p>9 A. No. 11:24 AM</p> <p>10 Q. You were employed at Morse. 11:24 AM</p> <p>11 A. At Morse. 11:24 AM</p> <p>12 Q. Did you ever hold that position at 11:24 AM</p> <p>13 Morse?</p> <p>14 A. No. 11:24 AM</p> <p>15 Q. And the non-black person they gave it 11:25 AM</p> <p>16 to was who?</p> <p>17 A. Maria Brown. 11:25 AM</p> <p>18 Q. I thought Maria Brown was a Clinton. 11:25 AM</p> <p>19 A. Yes. 11:25 AM</p> <p>20 Q. So this was a Clinton position. 11:25 AM</p> <p>21 A. It's not a Clinton position. 11:25 AM</p> <p>22 Q. Was this position at the Clinton 11:25 AM</p> <p>23 School?</p> <p>24 A. It was teaching -- 11:25 AM</p> <p>25 Q. Was it at the Clinton School? 11:25 AM</p>

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75	<p>1 Carol Melton</p> <p>2 A. It was at the Clinton School. 11:25 AM</p> <p>3 Q. Thank you. 11:25 AM</p> <p>4 The 21st Century after-school program, 11:25 AM</p> <p>5 is that grant-funded? Is that funded by a grant?</p> <p>6 A. Yes. 11:26 AM</p> <p>7 Q. So that's not a regular program of the 11:26 AM</p> <p>8 district; it requires a grant.</p> <p>9 A. Yes. It requires a grant. 11:26 AM</p> <p>10 Q. Now, you talked about it being out of 11:26 AM</p> <p>11 seniority in paragraph 4. Did you apply for this</p> <p>12 position, the Clinton School 2015-2016 school year</p> <p>13 21st Century after-school assignment?</p> <p>14 A. I -- 11:26 AM</p> <p>15 Q. Did you make an application for it? 11:26 AM</p> <p>16 A. I applied for a 21st Century Teaching 11:26 AM</p> <p>17 Assistant extra assignment for the 21st Century --</p> <p>18 Q. For any school in the district? 11:26 AM</p> <p>19 A. It's for any of the schools that were 11:26 AM</p> <p>20 offering.</p> <p>21 Q. O.K. Was Clinton the only school 11:26 AM</p> <p>22 offering it or were other schools offering it as</p> <p>23 well at that time?</p> <p>24 A. There were other schools offering it 11:27 AM</p> <p>25 as well.</p>
76	<p>1 Carol Melton</p> <p>2 Q. So, for example, Morse would have been 11:27 AM</p> <p>3 offering it at that time?</p> <p>4 A. Yes. 11:27 AM</p> <p>5 Q. O.K. Did you think you should have 11:27 AM</p> <p>6 gotten the extra -- well, the seniority you're</p> <p>7 talking about here, was this district-wide</p> <p>8 seniority?</p> <p>9 A. It's the same seniority. 11:27 AM</p> <p>10 Q. Teaching Assistants working throughout 11:27 AM</p> <p>11 the school district, right?</p> <p>12 A. Yes. 11:27 AM</p> <p>13 Q. So, for example, if you worked at 11:27 AM</p> <p>14 Clinton and you had four years and you worked at</p> <p>15 Morse and you had four years, that would be eight</p> <p>16 years of seniority, and if somebody had seven years</p> <p>17 of seniority among multiple schools, the person</p> <p>18 with eight years that I've described would have</p> <p>19 more seniority, is that how it works?</p> <p>20 A. It works for your total amount of time 11:27 AM</p> <p>21 in the district.</p> <p>22 Q. As a Teaching Assistant or any 11:27 AM</p> <p>23 position at all?</p> <p>24 A. As a Teaching Assistant. 11:27 AM</p> <p>25 Q. O.K., great. All right. 11:27 AM</p>
77	<p>1 Carol Melton</p> <p>2 Now, was there, other than Ms. Brown, 11:27 AM</p> <p>3 was there another Teaching Assistant at Clinton,</p> <p>4 other than her in October of 2015?</p> <p>5 A. There are other Teaching Assistants. 11:28 AM</p> <p>6 Q. O.K. And was she senior or junior to 11:28 AM</p> <p>7 the other Teaching Assistants, the ones at Clinton?</p> <p>8 A. Junior. 11:28 AM</p> <p>9 Q. O.K. So Ms. Brown -- and were the 11:28 AM</p> <p>10 other Teaching Assistants white or black or both?</p> <p>11 A. Both. 11:28 AM</p> <p>12 Q. So Ms. Brown was assigned this 11:28 AM</p> <p>13 position even though she was junior to other</p> <p>14 Teaching Assistants of multiple races, including</p> <p>15 yours, right?</p> <p>16 A. No. 11:28 AM</p> <p>17 Q. I'll ask it again. 11:28 AM</p> <p>18 Were there senior black Teaching 11:28 AM</p> <p>19 Assistants at Clinton senior to Ms. Brown?</p> <p>20 A. Yes. 11:28 AM</p> <p>21 Q. And there were Caucasian Teaching 11:28 AM</p> <p>22 Assistants senior to Ms. Brown at Clinton?</p> <p>23 A. Yes. 11:29 AM</p> <p>24 Q. But Ms. Brown got the position other 11:29 AM</p> <p>25 than these other Teaching Assistants that were</p>
78	<p>1 Carol Melton</p> <p>2 senior to her of both African-American origin and</p> <p>3 Caucasian, correct?</p> <p>4 A. Mrs. Brown got the assignment based on 11:29 AM</p> <p>5 that she applied for the position.</p> <p>6 Q. Did anybody else apply for the 11:29 AM</p> <p>7 position for that --</p> <p>8 A. No -- 11:29 AM</p> <p>9 Q. I'm sorry. -- for that... 11:29 AM</p> <p>10 If I understand correctly, the 11:29 AM</p> <p>11 application, you're telling me, isn't made for an</p> <p>12 individual school, it's a made district-wide; is</p> <p>13 that what you're telling me?</p> <p>14 A. That's correct. 11:29 AM</p> <p>15 Q. Are you telling me there wasn't a 11:29 AM</p> <p>16 Caucasian Teaching Assistant in the district senior</p> <p>17 to Ms. Brown who didn't get that position that she</p> <p>18 got?</p> <p>19 A. What I -- what I'm saying is that 11:29 AM</p> <p>20 those who had the position previously got their</p> <p>21 positions.</p> <p>22 Q. So if you previously held the position 11:30 AM</p> <p>23 at Clinton in the after-school 21st Century</p> <p>24 program, you would be reinstated to that position</p> <p>25 the following year unless something untoward</p>

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79	<p>1 Carol Melton</p> <p>2 happened; is that what you're telling me?</p> <p>3 A. That's correct. 11:30 AM</p> <p>4 Q. Had you ever done the 21st Century 11:30 AM</p> <p>5 after-school program at someplace other than</p> <p>6 Clinton?</p> <p>7 A. No. 11:30 AM</p> <p>8 Q. And all the years that you got the 11:30 AM</p> <p>9 assignment to the after-school program at Clinton,</p> <p>10 you were a Teaching Assistant during the school</p> <p>11 year at Clinton, right?</p> <p>12 A. Yes. 11:30 AM</p> <p>13 Q. O.K. Now, were you denied 11:30 AM</p> <p>14 21st Century after-school program assignment --</p> <p>15 withdraw that.</p> <p>16 All right. So you didn't get the 11:31 AM</p> <p>17 position at Clinton. Did you feel you had an</p> <p>18 entitlement to the after-school 21st Century</p> <p>19 Teaching Assistant position at other buildings</p> <p>20 besides Clinton?</p> <p>21 A. I'm sorry. I'm getting distracted 11:31 AM</p> <p>22 'cause of the noise in there.</p> <p>23 Q. What noise are you referring to? 11:31 AM</p> <p>24 A. From the kitchen. 11:31 AM</p> <p>25 Q. I'll ask you the question again. 11:31 AM</p>
80	<p>1 Carol Melton</p> <p>2 If I understand correctly, you're 11:31 AM</p> <p>3 telling me that one applies for this program, this</p> <p>4 grant program, and it's district-wide. You don't</p> <p>5 apply for let's say just a Clinton or a Morse, you</p> <p>6 just apply for all the schools. That's what you've</p> <p>7 told me.</p> <p>8 And is it your position that the most 11:31 AM</p> <p>9 senior Teaching Assistant gets the choice of which</p> <p>10 position they want? Is that your understanding of</p> <p>11 how it works?</p> <p>12 A. So -- 11:31 AM</p> <p>13 Q. Is that your understanding of how it 11:31 AM</p> <p>14 works? Yes or no.</p> <p>15 A. Yes, if they applied for the position. 11:32 AM</p> <p>16 Q. I understand that. 11:32 AM</p> <p>17 A. O.K. 11:32 AM</p> <p>18 Q. And when you apply for the position, 11:32 AM</p> <p>19 you're talking about district-wide, all of the</p> <p>20 positions in all the schools for the 21st Century</p> <p>21 after-school program.</p> <p>22 A. Yes. 11:32 AM</p> <p>23 Q. So I'm going to say it again to make 11:32 AM</p> <p>24 sure I understand it correctly. Is it your</p> <p>25 position that if you're the most senior Teaching</p>
81	<p>1 Carol Melton</p> <p>2 Assistant in the district and you make application</p> <p>3 for this after-school grant program Teaching</p> <p>4 Assistant position, that you have the right to</p> <p>5 whichever Teaching Assistant program you wish to go</p> <p>6 into?</p> <p>7 A. According to our CBA, yes. 11:32 AM</p> <p>8 Q. So it would be if you're at Morse, for 11:32 AM</p> <p>9 example but you're the most senior person in the</p> <p>10 district, you can choose Clinton, you can choose a</p> <p>11 program at the middle school, you can choose a</p> <p>12 program at the high school as long as there are</p> <p>13 programs running, correct? You get the choice of</p> <p>14 school, correct?</p> <p>15 A. You get the choice of the position. 11:33 AM</p> <p>16 Q. Well, this position is located at 11:33 AM</p> <p>17 different schools, right?</p> <p>18 A. Correct. 11:33 AM</p> <p>19 Q. Morse, Clinton, Poughkeepsie Middle 11:33 AM</p> <p>20 School, Poughkeepsie High School, for example,</p> <p>21 right? Correct?</p> <p>22 A. Yes. 11:33 AM</p> <p>23 Q. O.K. Well, if you're the most senior 11:33 AM</p> <p>24 Teaching Assistant at Morse -- I'm sorry -- the</p> <p>25 most senior Teaching Assistant in the school</p>
82	<p>1 Carol Melton</p> <p>2 district, do you contractually have the right to</p> <p>3 say, well, I want to go to Clinton, maybe I want to</p> <p>4 Poughkeepsie Middle School, maybe I want to go to</p> <p>5 another school? Do you have the right to choose</p> <p>6 which school you would go to over others who were</p> <p>7 less senior than you?</p> <p>8 A. If you apply for it. 11:33 AM</p> <p>9 Q. Well, but you applied district-wide. 11:33 AM</p> <p>10 A. Yes. If the position is 11:33 AM</p> <p>11 district-wide.</p> <p>12 Q. Well, you've told me it's 11:33 AM</p> <p>13 district-wide; is that correct?</p> <p>14 A. It is district-wide. 11:33 AM</p> <p>15 Q. O.K. 11:33 AM</p> <p>16 A. Teaching Assistant. 11:33 AM</p> <p>17 Q. I'm going to say it again 'cause I 11:33 AM</p> <p>18 want to make sure I've got this right. It's your</p> <p>19 position that as a matter of the collective</p> <p>20 bargaining agreement's provisions if you are the</p> <p>21 most senior Teaching Assistant in the district and</p> <p>22 you apply for the 21st Century after-school</p> <p>23 program --</p> <p>24 A. Mm-hmm. 11:34 AM</p> <p>25 Q. -- even if you've never been a 11:34 AM</p>

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83	<p>1 Carol Melton</p> <p>2 Teaching Assistant, let's say at the Morse School,</p> <p>3 if the Morse School is where you want to go, you</p> <p>4 have a right to that position; is that what your</p> <p>5 telling me?</p> <p>6 A. Yes. 11:34 AM</p> <p>7 Q. Well, this 21st Century after-school 11:34 AM</p> <p>8 program for the 2015-2016, was there such a program</p> <p>9 at Morse?</p> <p>10 A. Yes. 11:34 AM</p> <p>11 Q. Did you -- well, first of all, how did 11:34 AM</p> <p>12 the district take away your paid position on or</p> <p>13 about October 14, 2015. Is that when it would have</p> <p>14 started?</p> <p>15 A. No. 11:35 AM</p> <p>16 Q. When did -- 11:35 AM</p> <p>17 A. The 21st Century? 11:35 AM</p> <p>18 Q. Yes. When would it start? 11:35 AM</p> <p>19 A. I had the position already two years. 11:35 AM</p> <p>20 Q. Right. But you had the position while 11:35 AM</p> <p>21 you were at Clinton, right?</p> <p>22 A. Yes. 11:35 AM</p> <p>23 Q. Now you're at Morse, right? When you 11:35 AM</p> <p>24 went to Morse, when you went to Morse on</p> <p>25 September of 2015, you say on or about</p>	85	<p>1 Carol Melton</p> <p>2 was filling the position of the extra assignment</p> <p>3 under the 21st Century after-school program at</p> <p>4 Clinton, correct?</p> <p>5 A. You said from a certain time. 11:36 AM</p> <p>6 Q. Yes, September 1, 2015. You got 11:36 AM</p> <p>7 transferred originally to PACE. You were</p> <p>8 transferred out of Clinton, right?</p> <p>9 A. Right. 11:36 AM</p> <p>10 Q. Well, when you were transferred out of 11:36 AM</p> <p>11 Clinton at the very beginning of the school year,</p> <p>12 was Ms. Brown then assigned to the 1st Century</p> <p>13 after-program at Clinton?</p> <p>14 A. No. 11:36 AM</p> <p>15 Q. So was it vacant? 11:36 AM</p> <p>16 A. It wasn't even -- 11:36 AM</p> <p>17 Q. Started yet? It didn't start yet? 11:36 AM</p> <p>18 A. It didn't start yet? 11:37 AM</p> <p>19 Q. When did it start? 11:37 AM</p> <p>20 A. I don't remember the exact date. 11:37 AM</p> <p>21 Q. Well give me a month. Start with 11:37 AM</p> <p>22 that.</p> <p>23 A. It might have been October maybe. 11:37 AM</p> <p>24 Q. So here you said on or about 11:37 AM</p> <p>25 October 14, 2014.</p>
84	<p>1 Carol Melton</p> <p>2 September 14, 2015, from September till October of</p> <p>3 2015 was there somebody filling the position of</p> <p>4 this 21st Century grant Teaching Assistant</p> <p>5 position?</p> <p>6 A. Where? 11:35 AM</p> <p>7 Q. At Clinton. 11:35 AM</p> <p>8 A. Yes. 11:35 AM</p> <p>9 Q. Who was that? 11:35 AM</p> <p>10 A. Maria Brown. 11:35 AM</p> <p>11 Q. So you stopped having that position as 11:35 AM</p> <p>12 of September, approximately September 14, 2015,</p> <p>13 when you got moved to Morse, right? Withdraw that.</p> <p>14 You were originally going to be moved 11:35 AM</p> <p>15 to Circle of Courage, PACE, and you went there at</p> <p>16 the very beginning of the September 2015 school</p> <p>17 year, right?</p> <p>18 A. Yes. 11:36 AM</p> <p>19 Q. Was there a 21 Century after-school 11:36 AM</p> <p>20 program at PACE?</p> <p>21 A. No. 11:36 AM</p> <p>22 Q. O.K. Am I right that from 11:36 AM</p> <p>23 September 1, 2015, from the commencement of that</p> <p>24 school year when you were being assigned at that</p> <p>25 time to PACE initially, from that time, Ms. Brown</p>	86	<p>1 Carol Melton</p> <p>2 A. Mm-hmm. 11:37 AM</p> <p>3 Q. Is it around that time that you 11:37 AM</p> <p>4 understood this program started up at Clinton?</p> <p>5 A. Mm-hmm. 11:37 AM</p> <p>6 Q. Yes? 11:37 AM</p> <p>7 A. Yes. 11:37 AM</p> <p>8 Q. Program also started up at other 11:37 AM</p> <p>9 schools around the same time?</p> <p>10 A. Yes. 11:37 AM</p> <p>11 Q. Morse, the middle school, the high 11:37 AM</p> <p>12 school, Clinton?</p> <p>13 A. Wherever the 21st Century was located 11:37 AM</p> <p>14 at.</p> <p>15 Q. And there were teachers junior than 11:37 AM</p> <p>16 you assigned to that position at just Clinton or</p> <p>17 was it at other schools also?</p> <p>18 A. There were Teaching Assistants that 11:37 AM</p> <p>19 were junior to me at Clinton or throughout.</p> <p>20 Q. O.K. So in all the schools that had 11:37 AM</p> <p>21 the program, it's your understanding you were</p> <p>22 senior to the Teaching Assistants who got the</p> <p>23 positions in the after-school program.</p> <p>24 A. Not all of them. 11:38 AM</p> <p>25 Q. O.K. Which -- well, the one at Morse, 11:38 AM</p>

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87	<p>1 Carol Melton</p> <p>2 was that Ms. Herman?</p> <p>3 A. Yes. 11:38 AM</p> <p>4 Q. Are you senior to her or junior to 11:38 AM</p> <p>5 her?</p> <p>6 A. Junior. 11:38 AM</p> <p>7 Q. So Ms. Herman getting the position at 11:38 AM</p> <p>8 Morse, you're not claiming that was because of your</p> <p>9 race, are you?</p> <p>10 A. She got it because she has seniority. 11:38 AM</p> <p>11 Q. O.K. 11:38 AM</p> <p>12 A. And she also had the position 11:38 AM</p> <p>13 previously.</p> <p>14 Q. She had held the position the prior 11:38 AM</p> <p>15 year.</p> <p>16 A. Yeah, probably the past two years of 11:38 AM</p> <p>17 the 21st Century's inception.</p> <p>18 Q. For a number of years Ms. Herman had 11:38 AM</p> <p>19 had that position and she was also senior to you.</p> <p>20 A. That's correct. 11:38 AM</p> <p>21 Q. How about at the other schools? I 11:38 AM</p> <p>22 think you mentioned a moment ago that there were</p> <p>23 junior people to you in this program at other</p> <p>24 schools other than Ms. Brown?</p> <p>25 A. Maria Brown was junior to me. 11:38 AM</p>	89	<p>1 Carol Melton</p> <p>2 Q. Junior to you or senior to you? 11:39 AM</p> <p>3 A. Senior. 11:39 AM</p> <p>4 Q. And any others? 11:39 AM</p> <p>5 Oh, had she been in that, handling 11:39 AM</p> <p>6 that program --</p> <p>7 A. Yes. 11:39 AM</p> <p>8 Q. -- in prior years? 11:39 AM</p> <p>9 A. Yes. 11:39 AM</p> <p>10 Q. Any other elementary schools or are 11:39 AM</p> <p>11 there only three?</p> <p>12 A. Krieger. 11:39 AM</p> <p>13 Q. And who was the Teaching Assistant who 11:39 AM</p> <p>14 got the 21st Century after-school program at</p> <p>15 Krieger?</p> <p>16 A. I don't recall her name. 11:39 AM</p> <p>17 Q. Was she junior to you or senior to 11:40 AM</p> <p>18 you?</p> <p>19 A. Senior. 11:40 AM</p> <p>20 Q. And had she also been in the program 11:40 AM</p> <p>21 the prior year?</p> <p>22 A. I'm assuming so. 11:40 AM</p> <p>23 Q. You believe that's the case? 11:40 AM</p> <p>24 A. I believe so. 11:40 AM</p> <p>25 Q. In fact, you believe that in all the 11:40 AM</p>
88	<p>1 Carol Melton</p> <p>2 Q. All right. Maria Brown we know was at 11:39 AM</p> <p>3 Clinton. How about at the high school, was there</p> <p>4 somebody in the 21st Century after-school program</p> <p>5 there, a Teaching Assistant?</p> <p>6 A. I don't think they had one at the high 11:39 AM</p> <p>7 school.</p> <p>8 Q. O.K. How about at the middle school? 11:39 AM</p> <p>9 A. I don't think they had one at that 11:39 AM</p> <p>10 time the middle school. I'll not sure.</p> <p>11 Q. I'm not as familiar with all the 11:39 AM</p> <p>12 Poughkeepsie schools as you. I only know about</p> <p>13 Clinton and Morse. Are there other --</p> <p>14 A. There's Warring. 11:39 AM</p> <p>15 Q. Are there other elementary schools? 11:39 AM</p> <p>16 A. There's Warring. 11:39 AM</p> <p>17 Q. W-a-r-i-n-g? 11:39 AM</p> <p>18 A. W-a-r-r-i-n-g. 11:39 AM</p> <p>19 Q. Is that an elementary school? 11:39 AM</p> <p>20 A. That's an elementary school. 11:39 AM</p> <p>21 Q. Was there a Teaching Assistant in the 11:39 AM</p> <p>22 21st Century after-school program there?</p> <p>23 A. Yes. 11:39 AM</p> <p>24 Q. Who was that? 11:39 AM</p> <p>25 A. Nicole Logan. 11:39 AM</p>	90	<p>1 Carol Melton</p> <p>2 cases the person who was doing the 21st Century</p> <p>3 after-school program who got that assignment for</p> <p>4 around October of 2015 had also been in the program</p> <p>5 in the same school in prior years.</p> <p>6 A. As far as I know. 11:40 AM</p> <p>7 Q. So as far as the way you understand it 11:40 AM</p> <p>8 works, is it purely seniority that makes the</p> <p>9 decision of who gets the assignment at which school</p> <p>10 or is it seniority plus having worked that program</p> <p>11 in prior years?</p> <p>12 A. Well, I said -- 11:41 AM</p> <p>13 Q. Is it plus having worked that program 11:41 AM</p> <p>14 in prior years? Yes or no.</p> <p>15 A. It's seniority and past practice, 11:41 AM</p> <p>16 which is meaning they've had it in the previous</p> <p>17 years.</p> <p>18 Q. In that School? 11:41 AM</p> <p>19 A. In that school or in that position. 11:41 AM</p> <p>20 Q. Well, every example you've given me 11:41 AM</p> <p>21 the people had the position in the same school;</p> <p>22 isn't that not correct?</p> <p>23 A. Yes. 11:41 AM</p> <p>24 Q. The only one who's different that you 11:41 AM</p> <p>25 can describe to me is you because you weren't in</p>

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91	<p>1 Carol Melton</p> <p>2 Clinton any more; isn't that correct?</p> <p>3 A. I wasn't in Clinton. 11:41 AM</p> <p>4 Q. Right. And the only person who did 11:41 AM</p> <p>5 not get the same assignment 'cause you're saying</p> <p>6 you should have been at Clinton, the only person</p> <p>7 who didn't get the same assignment for this</p> <p>8 following school year that they had the prior</p> <p>9 school year was you, right?</p> <p>10 A. I didn't get the position. 11:41 AM</p> <p>11 Q. And you had -- you didn't get the 11:41 AM</p> <p>12 position, I understand that. I just want to say it</p> <p>13 again, see if I've got it right from what you've</p> <p>14 told me.</p> <p>15 In all the schools that had this 11:42 AM</p> <p>16 program, the person who worked in the program the</p> <p>17 prior school year was also a Teaching Assistant in</p> <p>18 that school the school year in question, correct.</p> <p>19 A. Yes. 11:42 AM</p> <p>20 Q. O.K. Except you, right? 11:42 AM</p> <p>21 A. Except me. 11:42 AM</p> <p>22 Q. You're the only one that's different 11:42 AM</p> <p>23 than the others.</p> <p>24 A. I'm the only one that did not have my 11:42 AM</p> <p>25 prior assignment.</p>	93	<p>1 Carol Melton</p> <p>2 long after the end of the school day does it begin?</p> <p>3 A. It -- I don't know. 11:43 AM</p> <p>4 Q. O.K. I asked you earlier when did you 11:44 AM</p> <p>5 conclude -- no. I asked you earlier in terms of</p> <p>6 the assignments. I'm sorry, withdraw that.</p> <p>7 I asked you earlier in terms of the 11:44 AM</p> <p>8 transfers, the initial transfers in September of</p> <p>9 2015, the two transfers, when did you conclude that</p> <p>10 these were acts of race discrimination? Because</p> <p>11 you side it wasn't initially, it was later. When</p> <p>12 did you reach that conclusion?</p> <p>13 A. After I filed my complaint. 11:44 AM</p> <p>14 Q. After? 11:44 AM</p> <p>15 A. After I knew -- 11:44 AM</p> <p>16 Q. I'm sorry. After you filed which 11:44 AM</p> <p>17 complaint?</p> <p>18 A. My EEOC, but this and also my 11:44 AM</p> <p>19 grievance, because I did not get the position</p> <p>20 because I was transferred involuntarily which I</p> <p>21 should have stayed, remained at Clinton based on</p> <p>22 seniority. And even when I was transferred to the</p> <p>23 PACE program/Circle of Courage, I still could have</p> <p>24 received the after-school position because the</p> <p>25 location of where you're transferred to is not a</p>
92	<p>1 Carol Melton</p> <p>2 Q. And you're the only one who wasn't 11:42 AM</p> <p>3 working in the same school as the assignment they</p> <p>4 believed they was entitled to.</p> <p>5 A. I was the only one -- 11:42 AM</p> <p>6 Q. Is that not correct? 11:42 AM</p> <p>7 A. I was -- 11:42 AM</p> <p>8 Q. Is that not correct? I want you to 11:42 AM</p> <p>9 answer my question. Is that not correct?</p> <p>10 A. I am answering your question. 11:42 AM</p> <p>11 MR. RUSHFIELD: Read it back. 11:42 AM</p> <p>12 (Whereupon, the record is read.) 11:43 AM</p> <p>13 Q. Is that not correct? 11:43 AM</p> <p>14 A. Am I the only one? 11:43 AM</p> <p>15 Q. Who wasn't working in the same 11:43 AM</p> <p>16 school --</p> <p>17 A. School. 11:43 AM</p> <p>18 Q. -- that was denied the teaching 11:43 AM</p> <p>19 assignment for the 21st Century after-school</p> <p>20 program in that school?</p> <p>21 A. Yes, I was not -- I was the only one 11:43 AM</p> <p>22 who was not in the original school --</p> <p>23 Q. Right. 11:43 AM</p> <p>24 A. -- that I started the program in. 11:43 AM</p> <p>25 Q. O.K. This after-school program, how 11:43 AM</p>	94	<p>1 Carol Melton</p> <p>2 criteria.</p> <p>3 Q. But you've already told me that 11:45 AM</p> <p>4 historically in terms of practice every person who</p> <p>5 got the assignment to an after-school program under</p> <p>6 this 21st Century after-school program grant was</p> <p>7 teaching in that same school that school year; is</p> <p>8 that not correct?</p> <p>9 A. I answered it -- 11:45 AM</p> <p>10 Q. That's correct, isn't it? 11:45 AM</p> <p>11 A. They had the position that they 11:45 AM</p> <p>12 were --</p> <p>13 Q. This is simple. Isn't that correct? 11:45 AM</p> <p>14 A. That's correct. 11:45 AM</p> <p>15 Q. Thank you. You've answered my 11:45 AM</p> <p>16 question.</p> <p>17 MR. WATSON: And if the question 11:45 AM</p> <p>18 requires clarification.</p> <p>19 MR. RUSHFIELD: If she needs 11:45 AM</p> <p>20 clarification, Counsel, you'll have every</p> <p>21 opportunity.</p> <p>22 As I said when I began this, I 11:45 AM</p> <p>23 wish the witness to answer my questions,</p> <p>24 not the questions she would prefer I ask.</p> <p>25 BY MR. RUSHFIELD: 11:46 AM</p>

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95	<p>1 Carol Melton</p> <p>2 Q. So going back to, you said at some 11:46 AM</p> <p>3 point you concluded that the September 2015</p> <p>4 transfers were acts of race discrimination, and you</p> <p>5 told me that it's when you -- you're telling me, I</p> <p>6 think, that it's when you filed the EEOC complaint.</p> <p>7 Is that your testimony?</p> <p>8 A. Yes, because -- 11:46 AM</p> <p>9 Q. You don't have to explain it to me. 11:46 AM</p> <p>10 All right. I'll let you explain it to 11:46 AM</p> <p>11 me. Explain to me why you waited until</p> <p>12 December 31, 2015 to reach the conclusion that the</p> <p>13 transfers in September were based on your race?</p> <p>14 A. Because I was involuntarily 11:46 AM</p> <p>15 transferred out of seniority and the district could</p> <p>16 have transferred Maria Brown to the Circle of</p> <p>17 Courage and I could have been transferred into this</p> <p>18 mandated classroom. Transfer is a transfer. If</p> <p>19 she was in a mandated classroom, they could have</p> <p>20 transferred me into that mandated classroom and</p> <p>21 transferred the least senior person to another</p> <p>22 school.</p> <p>23 When I arrived at Morse, they could 11:47 AM</p> <p>24 have transferred someone who was not in a mandated</p> <p>25 classroom to this mandated classroom, and they did</p>	97	<p>1 Carol Melton</p> <p>2 Q. So, I mean, we've discussed the 11:48 AM</p> <p>3 2015-2016 school year, I think, ad nauseam.</p> <p>4 Let's go to the 2016-2017. Did you 11:48 AM</p> <p>5 apply for the 21st Century after-school program for</p> <p>6 that school year as well?</p> <p>7 A. Yes. 11:49 AM</p> <p>8 Q. O.K. And were you denied -- you 11:49 AM</p> <p>9 applied district-wide, right?</p> <p>10 A. Yes. 11:49 AM</p> <p>11 Q. And which school did you think you had 11:49 AM</p> <p>12 a right to go to?</p> <p>13 A. To wherever is the position is open in 11:49 AM</p> <p>14 terms of the person who had the position previously</p> <p>15 for whatever reason did not take it or took another</p> <p>16 position. So all I know is that, for example, in</p> <p>17 Morse School, Ms. Herman got the position</p> <p>18 automatically. She already held that position.</p> <p>19 Q. 'Cause she had it the prior year. 11:49 AM</p> <p>20 A. She had it prior and she has more 11:49 AM</p> <p>21 seniority.</p> <p>22 Q. O.K. How about which schools you 11:49 AM</p> <p>23 claim you should have gotten the position in --</p> <p>24 A. Again -- 11:49 AM</p> <p>25 Q. -- 2016-17? 11:50 AM</p>
96	<p>1 Carol Melton</p> <p>2 not need to transfer me a second time from</p> <p>3 PACE/Circle of Courage.</p> <p>4 Q. O.K. Is there anything else that led 11:47 AM</p> <p>5 you to believe that your transfers were based on</p> <p>6 race other than what you've just told me?</p> <p>7 A. Not until after. 11:47 AM</p> <p>8 Q. After what? 11:47 AM</p> <p>9 A. I -- because I don't know who's 11:47 AM</p> <p>10 assigned to any school. We get our assignments in</p> <p>11 the beginning.</p> <p>12 Once I got transferred a second time 11:48 AM</p> <p>13 and I realized there was someone already in the</p> <p>14 building who was not assigned to a mandated</p> <p>15 classroom, was not -- and had less seniority than</p> <p>16 me who could have been assigned to that special</p> <p>17 education classroom.</p> <p>18 Q. Now, in terms of your being denied the 11:48 AM</p> <p>19 21st Century after-school program, are you claiming</p> <p>20 that that was an act of either discrimination or</p> <p>21 retaliation only for 2015-2016 school year or for</p> <p>22 subsequent school years as well, or for 2016-2017</p> <p>23 as well?</p> <p>24 A. Well, subsequent because the 11:48 AM</p> <p>25 21st Century program was ongoing.</p>	98	<p>1 Carol Melton</p> <p>2 A. Again, Clinton School. 11:50 AM</p> <p>3 Q. Who got it that year? 11:50 AM</p> <p>4 A. Maria Brown. 11:50 AM</p> <p>5 Q. And she'd been in it the prior year 11:50 AM</p> <p>6 now. At that point, she had already been in it the</p> <p>7 prior year.</p> <p>8 A. Yes. 11:50 AM</p> <p>9 Q. O.K. Other than the Clinton, anywhere 11:50 AM</p> <p>10 else?</p> <p>11 A. Everyone that was -- who had it before 11:50 AM</p> <p>12 retained their position.</p> <p>13 Q. So the only one in both 2014-2015 and 11:50 AM</p> <p>14 2015-2016, the only 21st Century after-school</p> <p>15 program position, Teaching Assistant position that</p> <p>16 you're claiming was denied for you, improperly for</p> <p>17 our purposes now, was the one at Clinton, correct?</p> <p>18 A. Yes. 11:50 AM</p> <p>19 Q. And it's your position that you were 11:50 AM</p> <p>20 entitled to Clinton because you had been there</p> <p>21 before, right?</p> <p>22 A. I had held the position before. 11:50 AM</p> <p>23 Q. You held the position before, before 11:50 AM</p> <p>24 the 2015-2016 school year, right?</p> <p>25 A. Two years, before. 11:50 AM</p>

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99	<p>1 Carol Melton</p> <p>2 Q. Before that, before that school year. 11:50 AM</p> <p>3 A. Mm-hmm. 11:50 AM</p> <p>4 Q. Yes? 11:50 AM</p> <p>5 A. Yes. 11:50 AM</p> <p>6 Q. And you're senior? 11:50 AM</p> <p>7 A. And I'm senior. 11:50 AM</p> <p>8 Q. And in this case, the only one you are 11:51 AM</p> <p>9 senior to that's relevant is Ms. Brown.</p> <p>10 A. Yes. 11:51 AM</p> <p>11 Q. O.K. Did you file -- since you're 11:51 AM</p> <p>12 saying this is a matter of contract in terms of</p> <p>13 past practice and seniority, did you file a</p> <p>14 grievance over that, too?</p> <p>15 A. Yes. 11:51 AM</p> <p>16 Q. Let me see if we have that. I don't 11:51 AM</p> <p>17 have it.</p> <p>18 Did you file the grievance for your 11:52 AM</p> <p>19 union?</p> <p>20 A. Yes. 11:52 AM</p> <p>21 Q. And were decisions rendered by the 11:52 AM</p> <p>22 district?</p> <p>23 A. No. 11:52 AM</p> <p>24 Q. O.K. Did you move it up the ladder 11:52 AM</p> <p>25 through the stages?</p>	101	<p>1 Carol Melton</p> <p>2 Defendant's C. And that was about the transfer.</p> <p>3 A. This is also about involuntary 11:53 AM</p> <p>4 transfers and made whole, and it says within</p> <p>5 existing jobs and it's also -- includes this,</p> <p>6 includes the not getting the position.</p> <p>7 Q. Well, O.K., I'm reading the grievance. 11:53 AM</p> <p>8 It talks about an involuntary transfer for a</p> <p>9 non-programmatic reason being a violation of the</p> <p>10 contract and when failed to consider seniority as</p> <p>11 the most important factor in making such a</p> <p>12 transfer.</p> <p>13 A. Mm-hmm. 11:53 AM</p> <p>14 Q. Are you saying that that grievance, 11:53 AM</p> <p>15 which is filed November 2, 2015 --</p> <p>16 A. Mm-hmm, yes. 11:53 AM</p> <p>17 Q. -- was supposed to include the 11:53 AM</p> <p>18 October 2015 assignment of the 21st Century</p> <p>19 after-school position for Teaching Assistants to</p> <p>20 Ms. Brown rather than you?</p> <p>21 A. Yes, because it says, "The district 11:54 AM</p> <p>22 violated Article IX, Seniority Reduction of Force,</p> <p>23 Section A. Seniority, Past Practice and any other</p> <p>24 applicable provisions of the contract."</p> <p>25 Q. What does it say after that? 11:54 AM</p>
100	<p>1 Carol Melton</p> <p>2 A. I don't have that ability to do so. 11:52 AM</p> <p>3 Q. I didn't ask you if you did it. Did 11:52 AM</p> <p>4 your union do it?</p> <p>5 A. No. 11:52 AM</p> <p>6 Q. So you filed a grievance, you're 11:52 AM</p> <p>7 claiming, right?</p> <p>8 A. Yes. 11:52 AM</p> <p>9 Q. Claiming that it's a violation of the 11:52 AM</p> <p>10 contract for you not to get the Clinton</p> <p>11 after-school position under the 21st Century grant.</p> <p>12 Did you file that grievance for the 2015-2016</p> <p>13 school year?</p> <p>14 A. Yes. 11:52 AM</p> <p>15 Q. Did you file another one for the 11:52 AM</p> <p>16 2016-2017 school year or you only did it once?</p> <p>17 A. I did it both. 11:52 AM</p> <p>18 Q. So you filed two grievances over that 11:52 AM</p> <p>19 issue.</p> <p>20 A. Yes. 11:52 AM</p> <p>21 Q. Did either one get moved up beyond -- 11:52 AM</p> <p>22 was there any ever any decisions rendered by the</p> <p>23 district at any level on such a grievance?</p> <p>24 A. Just the first one, this one. 11:53 AM</p> <p>25 Q. You're just going back to 11:53 AM</p>	102	<p>1 Carol Melton</p> <p>2 A. It says, "when it made an involuntary 11:54 AM</p> <p>3 transfer for a non-programmatic reason."</p> <p>4 Q. And, and what else? 11:54 AM</p> <p>5 A. "And when it failed to consider 11:54 AM</p> <p>6 seniority as at most important factor in making</p> <p>7 such a transfer."</p> <p>8 Q. O.K. So I ask you again. Do you 11:54 AM</p> <p>9 intend for this grievance to include a claim that</p> <p>10 you were entitled based on your seniority to</p> <p>11 assignment to the after-school 21st Century program</p> <p>12 at Clinton? Because I don't see it here.</p> <p>13 MR. WATSON: Objection. 11:55 AM</p> <p>14 MR. RUSHFIELD: I understand. 11:55 AM</p> <p>15 Q. Are you saying that you're claiming 11:55 AM</p> <p>16 this includes that claim? Is that your testimony?</p> <p>17 Yes or no.</p> <p>18 A. I'm saying -- 11:55 AM</p> <p>19 Q. Are you -- 11:55 AM</p> <p>20 A. Yes. 11:55 AM</p> <p>21 Q. Yes, O.K. 11:55 AM</p> <p>22 Well, the grievance -- that grievance 11:55 AM</p> <p>23 did get decided, at least at two stages, right, and</p> <p>24 you said the board also decided it; that was your</p> <p>25 testimony, right?</p>

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103	<p>1 Carol Melton</p> <p>2 A. Yes. 11:55 AM</p> <p>3 Q. That's the one that never went to 11:55 AM</p> <p>4 arbitration and you're saying there was some kind</p> <p>5 of settlement, but it sounds like you didn't get</p> <p>6 anything out of that settlement. Am I right, did</p> <p>7 you get anything out of this alleged settlement?</p> <p>8 A. I don't know what you're asking. 11:55 AM</p> <p>9 Q. Did you get -- you're claiming that 11:55 AM</p> <p>10 this grievance was about, in part, you not getting</p> <p>11 the 21st Century after-school assignment, right?</p> <p>12 A. Yes. 11:55 AM</p> <p>13 Q. Right? 11:55 AM</p> <p>14 And that grievance, the only one I 11:55 AM</p> <p>15 have is the one dated --</p> <p>16 A. It's included in that. 11:55 AM</p> <p>17 Q. That's what I understand you were 11:56 AM</p> <p>18 telling me. And this grievance is dated</p> <p>19 November 2, 2015. So this grievance would only</p> <p>20 apply to the 2015-2016 school year, right?</p> <p>21 A. Yes. 11:56 AM</p> <p>22 Q. O.K. And what I want to know is, you 11:56 AM</p> <p>23 are claiming that you had an entitlement, as of</p> <p>24 November of 2015 at least and this grievance,</p> <p>25 you're saying, to get that after-school assignment;</p>	105	<p>1 Carol Melton</p> <p>2 arbitration, right?</p> <p>3 A. Yes. 11:57 AM</p> <p>4 Q. When did you learn that it didn't go 11:57 AM</p> <p>5 to arbitration?</p> <p>6 A. I don't know the date. 11:57 AM</p> <p>7 Q. During that school year? During 11:57 AM</p> <p>8 2015-2016 school year?</p> <p>9 A. I don't remember the date. 11:57 AM</p> <p>10 Q. O.K. Whenever you learned, did you 11:57 AM</p> <p>11 demand, no, take it to arbitration?</p> <p>12 A. No. The only thing that happened was 11:57 AM</p> <p>13 that we had a labor-management meeting, I guess you</p> <p>14 could say.</p> <p>15 Q. And did that labor-management meeting 11:57 AM</p> <p>16 decide that you had an entitlement to the</p> <p>17 after-school program at Clinton?</p> <p>18 A. Well -- 11:58 AM</p> <p>19 Q. Did it do that? 11:58 AM</p> <p>20 A. They did not say those words. 11:58 AM</p> <p>21 Q. Did they say in substance you had a 11:58 AM</p> <p>22 right to the position?</p> <p>23 A. They did not say those words either. 11:58 AM</p> <p>24 Q. Did they, in substance, did they tell 11:58 AM</p> <p>25 you, yeah, we agree you had a right to the</p>
104	<p>1 Carol Melton</p> <p>2 you should have it instead of Ms. Brown, right?</p> <p>3 A. Yes. 11:56 AM</p> <p>4 Q. All right. Did you get it instead of 11:56 AM</p> <p>5 Ms. Brown or at any time during that school year?</p> <p>6 A. No. 11:56 AM</p> <p>7 Q. And the following school year, you 11:56 AM</p> <p>8 didn't get it either.</p> <p>9 A. No. 11:56 AM</p> <p>10 Q. Right? Correct? 11:56 AM</p> <p>11 A. Yes. 11:56 AM</p> <p>12 Q. You didn't get any relief on your 11:56 AM</p> <p>13 grievance, did you, in terms of the after-school</p> <p>14 assignment?</p> <p>15 A. No. 11:56 AM</p> <p>16 Q. O.K. Did you demand the union present 11:56 AM</p> <p>17 that to arbitration, that claim about the</p> <p>18 after-school assignment? Did you send them</p> <p>19 something saying, well, I want you to arbitrate</p> <p>20 that claim?</p> <p>21 A. The union decides that. 11:57 AM</p> <p>22 Q. I know, but you can ask. Did you ask? 11:57 AM</p> <p>23 A. You ask and they go through the 11:57 AM</p> <p>24 subsequent steps.</p> <p>25 Q. Right. You knew it didn't going to 11:57 AM</p>	106	<p>1 Carol Melton</p> <p>2 position?</p> <p>3 A. Well, they agreed when they offered to 11:58 AM</p> <p>4 compensate me.</p> <p>5 Q. So that would be compensate you for 11:58 AM</p> <p>6 the loss of the pay. It's \$12,000. Did they pay</p> <p>7 you the \$12,000?</p> <p>8 A. They made an offer. 11:58 AM</p> <p>9 Q. What did they offer? 11:58 AM</p> <p>10 A. At that time, it was \$2,500. 11:58 AM</p> <p>11 Q. So that was to settle the grievance or 11:58 AM</p> <p>12 settle this claim?</p> <p>13 A. That was to settle the 21st Century 11:58 AM</p> <p>14 after-school extra assignment position.</p> <p>15 Q. O.K. Did you accept that 2,000 dollar 11:58 AM</p> <p>16 settlement?</p> <p>17 A. I did not. 11:58 AM</p> <p>18 Q. Did you demand your union proceed to 11:58 AM</p> <p>19 arbitration?</p> <p>20 A. No. 11:58 AM</p> <p>21 Q. O.K. And then you didn't get the 11:58 AM</p> <p>22 position the following year. Did somebody offer</p> <p>23 you money the following year, too, the 2016-2017</p> <p>24 school year?</p> <p>25 A. No, no one offered me. 11:59 AM</p>

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107	<p>1 Carol Melton</p> <p>2 Q. Did you file another grievance on the 11:59 AM</p> <p>3 subject, now specifying denial of the 21st Century</p> <p>4 after-school program based on your seniority?</p> <p>5 A. Yes, I filed. 11:59 AM</p> <p>6 Q. Well, I haven't seen that grievance. 11:59 AM</p> <p>7 Where did that go? How far did that go?</p> <p>8 A. It didn't go to Step I, which is 11:59 AM</p> <p>9 probably why you won't have it.</p> <p>10 Q. So it never got submitted to the 11:59 AM</p> <p>11 district at all. Step I is the first place you</p> <p>12 submit it to the district, right, at an</p> <p>13 administrative level?</p> <p>14 A. Yes, once it reaches Step I then it 11:59 AM</p> <p>15 goes to administration but it needs to get past the</p> <p>16 intake of our union.</p> <p>17 Q. Your union decided not to proceed with 11:59 AM</p> <p>18 it; is that what you're saying?</p> <p>19 A. Not to pursue it. 12:00 PM</p> <p>20 Q. Right. So the union took the position 12:00 PM</p> <p>21 that the grievance did not have merit; is that</p> <p>22 correct?</p> <p>23 MR. WATSON: Objection. 12:00 PM</p> <p>24 Q. You can answer the question. 12:00 PM</p> <p>25 A. The union just did not pursue it. 12:00 PM</p>	109
108	<p>1 Carol Melton</p> <p>2 Q. Do you know why they did not pursue 12:00 PM</p> <p>3 it?</p> <p>4 A. I don't know exactly why, but it had 12:00 PM</p> <p>5 something to do with the union's understanding of</p> <p>6 the CBA.</p> <p>7 Q. The union and you had a difference of 12:00 PM</p> <p>8 opinion as to what the collective bargaining</p> <p>9 agreement required at this school district on the</p> <p>10 subject of transfers and on the subject of your</p> <p>11 right to an assignment at Clinton; is that fair?</p> <p>12 You and the union did not agree, correct?</p> <p>13 A. Well, you have to -- the union 12:00 PM</p> <p>14 leadership during 2015 was not in agreement. The</p> <p>15 union leadership changed after that time.</p> <p>16 Q. O.K. So at the time that the 12:01 PM</p> <p>17 grievance was being processed, the one at least for</p> <p>18 2015-2016 school year, your union leadership</p> <p>19 disagreed with your opinion in terms of what your</p> <p>20 seniority rights were on the issue of transfer and</p> <p>21 on the issue of the 21st Century after-school</p> <p>22 program assignment, fair?</p> <p>23 A. Yes. Our local union. 12:01 PM</p> <p>24 Q. Yes. By the time of the 2016-2017 12:01 PM</p> <p>25 school year, were the same people in office at the</p>	110

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111	<p>1 Carol Melton</p> <p>2 A. I guess, yes. 12:03 PM</p> <p>3 Q. O.K. Let's see what else we've got 12:03 PM</p> <p>4 here.</p> <p>5 Paragraph 13 of the Facts portion, the 12:04 PM</p> <p>6 Facts: Amendment portion of your complaint. All</p> <p>7 right. This is about you being reassigned to the</p> <p>8 library for the week of Monday, June 6th, 2016 to</p> <p>9 Monday June 13, 2016, and you say she wrote in the</p> <p>10 email that you would be covering two classes alone</p> <p>11 all day for Ms. Bass for two days and that then you</p> <p>12 could submit a timecard for payment for those two</p> <p>13 days only thereby implying that I would not receive</p> <p>14 compensation for this extra assignment for these</p> <p>15 other days.</p> <p>16 Did you believe you had a contractual 12:05 PM</p> <p>17 entitlement to -- withdraw that.</p> <p>18 If you're covering a class alone, 12:05 PM</p> <p>19 you're entitled to be compensated as a Teaching</p> <p>20 Assistant, right?</p> <p>21 A. Yes. 12:05 PM</p> <p>22 Q. So in other words, if there's no 12:05 PM</p> <p>23 teacher in the classroom, you're entitled to be</p> <p>24 compensated.</p> <p>25 A. Yes. 12:05 PM</p>	113	<p>1 Carol Melton</p> <p>2 paragraph 13 that you're claiming is an act of</p> <p>3 either discrimination or retaliation by, I guess</p> <p>4 Ms. Dargan?</p> <p>5 A. Ms. Dargan reassigned me to the 12:06 PM</p> <p>6 library for that week.</p> <p>7 Q. Is she not allowed to do that? 12:06 PM</p> <p>8 A. In our contract, it states that we get 12:06 PM</p> <p>9 our assignment for the school year within two weeks</p> <p>10 of the commencement of the school year.</p> <p>11 Q. Right. But you understood this was a 12:07 PM</p> <p>12 situation in which somebody was going to be out,</p> <p>13 right? Ms. Bass was going to be out during that</p> <p>14 period of time, right?</p> <p>15 A. It doesn't say whether she was out or 12:07 PM</p> <p>16 not. It just says that I will be covering her</p> <p>17 class.</p> <p>18 Q. All right. So is this again a claim 12:07 PM</p> <p>19 that you're saying that you contractually were</p> <p>20 entitled not to be assigned to the library? Is</p> <p>21 that your testimony?</p> <p>22 A. Say that again. 12:07 PM</p> <p>23 Q. I'll go back a moment. 12:07 PM</p> <p>24 You told me that if you get 12:07 PM</p> <p>25 assigned to a -- if a teacher's out of a class, is</p>
112	<p>1 Carol Melton</p> <p>2 Q. Is that like \$9 an hour additional, 12:05 PM</p> <p>3 something like that?</p> <p>4 A. \$9 per period. 12:05 PM</p> <p>5 Q. Per school period. 12:05 PM</p> <p>6 A. Mm-hmm. 12:05 PM</p> <p>7 Q. O.K. So if you're doing that for, 12:05 PM</p> <p>8 what five school periods, it would be like \$45 for</p> <p>9 that day?</p> <p>10 A. Approximately. 12:05 PM</p> <p>11 Q. Approximately. 12:05 PM</p> <p>12 Now, on the other days that were 12:05 PM</p> <p>13 involved here, were you in a class without a</p> <p>14 teacher?</p> <p>15 A. The other days? 12:06 PM</p> <p>16 Q. Yes. It says here that you'd be on 12:06 PM</p> <p>17 these days for one week, which, I guess, is five</p> <p>18 school days, two of those days you would be alone</p> <p>19 and you should submit a timecard for those</p> <p>20 payments. Did you get paid for those two days?</p> <p>21 A. I was not there. I was absent. 12:06 PM</p> <p>22 Q. So you didn't cover those classes; you 12:06 PM</p> <p>23 were out sick.</p> <p>24 A. I was out sick. 12:06 PM</p> <p>25 Q. Well, is there something you allege in 12:06 PM</p>	114	<p>1 Carol Melton</p> <p>2 not in the class that you're assigned to, you get</p> <p>3 paid money, \$9 a period approximately, right?</p> <p>4 A. Yes. 12:07 PM</p> <p>5 Q. O.K. Is it your testimony that if you 12:07 PM</p> <p>6 have a situation where -- if the School has a</p> <p>7 situation where it needs coverage in the library,</p> <p>8 contractually it cannot assign you to it because</p> <p>9 the assignments must be set at the beginning of the</p> <p>10 school year? Is that your testimony?</p> <p>11 A. Extra assignments -- 12:07 PM</p> <p>12 Q. Is that your testimony? Yes or no. 12:08 PM</p> <p>13 A. Not reassigned. 12:08 PM</p> <p>14 Q. Well, this assignment in June of 2016 12:08 PM</p> <p>15 for a week, did you come back at some point after</p> <p>16 that week was up?</p> <p>17 A. I believe yes. 12:08 PM</p> <p>18 Q. All right. And did you go back to 12:08 PM</p> <p>19 your -- you were in the lab then, weren't you?</p> <p>20 A. Yes. 12:08 PM</p> <p>21 Q. Did you go back to the lab? 12:08 PM</p> <p>22 A. Yes. 12:08 PM</p> <p>23 Q. O.K. And I gather you never actually 12:08 PM</p> <p>24 were there for the assignment of taking over any</p> <p>25 portion of Ms. Bass's library duties, right, you</p>

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115	<p>1 Carol Melton</p> <p>2 didn't do any of these days?</p> <p>3 A. I did not. 12:08 PM</p> <p>4 Q. O.K. Is it your testimony that 12:08 PM</p> <p>5 Ms. Dargan could not place you in the library in</p> <p>6 the absence of Ms. Bass or to assist Ms. Bass, for</p> <p>7 that matter, from the lab for a week in June of</p> <p>8 2016? Are you saying she's contractually</p> <p>9 prohibited from doing that? Yes or no.</p> <p>10 A. Contractually, it says -- 12:09 PM</p> <p>11 Q. So you're saying -- contractually, is 12:09 PM</p> <p>12 she prohibited from doing it? I want your position</p> <p>13 on your contract.</p> <p>14 A. To reassignment. 12:09 PM</p> <p>15 Q. You're saying this was a violation of 12:09 PM</p> <p>16 your contract, what she was doing; is that correct?</p> <p>17 A. Yes. 12:09 PM</p> <p>18 Q. Did you file a grievance? 12:09 PM</p> <p>19 A. I'm not sure. 12:09 PM</p> <p>20 Q. Is it your claim that Ms. Dargan did 12:09 PM</p> <p>21 that because of your race or -- well, let's start</p> <p>22 with that. Are you claiming this Ms. Dargan did</p> <p>23 this reassignment for a week because you're</p> <p>24 African-American? Yes or no.</p> <p>25 A. No. 12:09 PM</p>	117	<p>1 Carol Melton</p> <p>2 December of 2015, correct? You're not saying that,</p> <p>3 are you?</p> <p>4 A. I'm not sure what you're asking. 12:10 PM</p> <p>5 Q. Simple. You filed an action alleging 12:11 PM</p> <p>6 race discrimination and retaliation, right?</p> <p>7 Correct?</p> <p>8 A. Yes. 12:11 PM</p> <p>9 Q. You put in your complaint as a 12:11 PM</p> <p>10 specific typed-in portion at paragraph 13 an</p> <p>11 allegation about reassignment to the library for a</p> <p>12 week by Ms. Dargan.</p> <p>13 We'll do it again. Are you claiming 12:11 PM</p> <p>14 Ms. Dargan did this because you're</p> <p>15 African-American? Yes or no.</p> <p>16 A. No. 12:11 PM</p> <p>17 Q. Are you claiming she did it because 12:11 PM</p> <p>18 you filed the complaint with the EEOC in</p> <p>19 December of 2015? Yes or no.</p> <p>20 A. Yes, I believe that. 12:11 PM</p> <p>21 Q. O.K. And your basis for that belief 12:11 PM</p> <p>22 is what?</p> <p>23 A. My basis for that is because she gave 12:11 PM</p> <p>24 me a reassignment for the entire week, again,</p> <p>25 violating the contract, again, out of seniority.</p>
116	<p>1 Carol Melton</p> <p>2 Q. Are you claiming Ms. Dargan did this 12:09 PM</p> <p>3 because you had filed a complaint with the EEOC in</p> <p>4 December of 2015? Yes or no.</p> <p>5 A. I don't know the answer to that. 12:09 PM</p> <p>6 Q. Well, why did you put this in your 12:10 PM</p> <p>7 claim? This allegation of paragraph 13, why is</p> <p>8 that even there?</p> <p>9 A. Because the action is retaliatory. 12:10 PM</p> <p>10 Q. Retaliation for what? 12:10 PM</p> <p>11 A. To reassign me for entire week. 12:10 PM</p> <p>12 Q. That's, you're saying, is what the 12:10 PM</p> <p>13 retaliatory action is, but what are you claiming</p> <p>14 she was retaliating against you for doing?</p> <p>15 A. I don't know. I can't speak to what 12:10 PM</p> <p>16 Ms. Dargan was thinking.</p> <p>17 Q. Well, this allegation is part of a 12:10 PM</p> <p>18 claim of race discrimination and retaliation for</p> <p>19 protected conduct under the discrimination law,</p> <p>20 which would be, for example, like filing a</p> <p>21 complaint with the EEOC.</p> <p>22 If I've got it right, you're not 12:10 PM</p> <p>23 telling me that you're alleging Ms. Dargan was</p> <p>24 retaliating against you by this one-week assignment</p> <p>25 because you had filed a complaint with the EEOC in</p>	118	<p>1 Carol Melton</p> <p>2 Again, multiple reasons.</p> <p>3 Q. Every reason you've again me so far is 12:11 PM</p> <p>4 you claim you had a contractual right not to be</p> <p>5 reassigned. Is there any other basis for you</p> <p>6 claiming you had a right not to be reassigned other</p> <p>7 than you claim your contract precludes it? Is</p> <p>8 there any other basis?</p> <p>9 A. The basis is what I said and that 12:12 PM</p> <p>10 someone else could have been reassigned or assigned</p> <p>11 to cover.</p> <p>12 Q. Well, how can anybody be reassigned? 12:12 PM</p> <p>13 They're all assigned at the beginning of the school</p> <p>14 year, I thought.</p> <p>15 A. So assigned. 12:12 PM</p> <p>16 Q. No one could be reassigned. 12:12 PM</p> <p>17 A. No one should be reassigned. 12:12 PM</p> <p>18 Q. So if you have a need to put a 12:12 PM</p> <p>19 Teaching Assistant in the library you didn't do it</p> <p>20 because everyone is signed at the beginning of the</p> <p>21 school year. Is that your understanding of the</p> <p>22 contract?</p> <p>23 A. It's my understanding -- 12:12 PM</p> <p>24 Q. Is that your understanding of the 12:12 PM</p> <p>25 contract?</p>

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119	<p>1 Carol Melton</p> <p>2 A. That's my understanding of the 12:12 PM</p> <p>3 contract.</p> <p>4 Q. O.K. Apart from the fact that this 12:12 PM</p> <p>5 reassignment happened or was made by Ms. Dargan, do</p> <p>6 you have any other basis for claiming that it was</p> <p>7 retaliation for your EEOC complaint?</p> <p>8 A. Not at this time. 12:13 PM</p> <p>9 Q. Not as of today. 12:13 PM</p> <p>10 A. Not at this time, yes. 12:13 PM</p> <p>11 Q. Up to today, you have no basis for 12:13 PM</p> <p>12 your claim other than the fact that the</p> <p>13 reassignment was made and in December of 2015 you</p> <p>14 filed an EEOC complaint; is that correct?</p> <p>15 MR. WATSON: Objection. 12:13 PM</p> <p>16 Q. Answer the question. 12:13 PM</p> <p>17 A. What I said was Ms. Dargan did it out 12:13 PM</p> <p>18 of retaliation.</p> <p>19 Q. For? 12:13 PM</p> <p>20 A. Possibly filing the claim. 12:13 PM</p> <p>21 Q. Possibly, you say. 12:13 PM</p> <p>22 A. Mm-hmm. 12:13 PM</p> <p>23 Q. What basis do you have for claiming it 12:13 PM</p> <p>24 has anything to do with your EEOC complaint?</p> <p>25 A. Because I have no idea what Ms. Dargan 12:13 PM</p>	121
120	<p>1 Carol Melton</p> <p>2 was thinking. Her actions for this is</p> <p>3 unprecedented. I do not know why she used -- and</p> <p>4 sent reassigned. She sent me an email.</p> <p>5 Q. So you're saying this school district, 12:13 PM</p> <p>6 you're saying it's unprecedented. You're saying in</p> <p>7 this school district nobody has been ever, quote,</p> <p>8 "reassigned" from, let's say a lab or a class which</p> <p>9 isn't a mandated class to assist in, let's say a</p> <p>10 library, that's never happened before; is that your</p> <p>11 testimony?</p> <p>12 A. I don't know if it's happened before. 12:14 PM</p> <p>13 I just know it hasn't -- didn't happen to me.</p> <p>14 Q. Ah, O.K. 12:14 PM</p> <p>15 Number 14, the district deducted 12:14 PM</p> <p>16 three-and-a-half days of pay from your paycheck.</p> <p>17 Now, weren't these three-and-a-half days deducted</p> <p>18 from your paycheck 'cause you engaged in what you</p> <p>19 claim to be union business on those</p> <p>20 three-and-a-half days?</p> <p>21 A. Yes. 12:14 PM</p> <p>22 Q. All right. 12:14 PM</p> <p>23 A. But there's still one day that they 12:14 PM</p> <p>24 deducted.</p> <p>25 Q. If I understand correctly, they 12:14 PM</p>	122
	<p>1 Carol Melton</p> <p>2 deducted three-and-a-half days; is that right?</p> <p>3 A. Yes, I was. 12:14 PM</p> <p>4 Q. Were you engaging in union business 12:14 PM</p> <p>5 for three-and-a-half days?</p> <p>6 A. Not for three-and-a-half days. 12:14 PM</p> <p>7 Q. For how many were you? 12:15 PM</p> <p>8 A. I believe it was two. 12:15 PM</p> <p>9 Q. So you believe that they had -- let's 12:15 PM</p> <p>10 do it in pieces.</p> <p>11 Were they entitled to deduct from your 12:15 PM</p> <p>12 pay the two days of union business? Yes or no.</p> <p>13 A. The district? 12:15 PM</p> <p>14 Q. Yes. 12:15 PM</p> <p>15 A. No. 12:15 PM</p> <p>16 Q. O.K. And so, you believe that they 12:15 PM</p> <p>17 improperly took, whatever it was, whether it's two</p> <p>18 days or three-and-a-half days, you believe they</p> <p>19 improperly took money out of your paycheck for you</p> <p>20 engaging in union business, right?</p> <p>21 A. Yes. 12:15 PM</p> <p>22 Q. O.K. And why would you be entitled to 12:15 PM</p> <p>23 engage in union business on district time? Were</p> <p>24 you a union officer at the time?</p> <p>25 A. I was doing -- 12:15 PM</p>	

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123	<p>1 Carol Melton</p> <p>2 the union during the 2015-2016 school year?</p> <p>3 A. I was on an ongoing committee. 12:16 PM</p> <p>4 Q. Had you been designated as a steward? 12:16 PM</p> <p>5 Yes or no.</p> <p>6 A. Yes, that would be a steward. 12:16 PM</p> <p>7 Q. All right. So if the union said you 12:16 PM</p> <p>8 weren't a steward, they would be lying; is that</p> <p>9 correct?</p> <p>10 A. That's correct. 12:16 PM</p> <p>11 Q. O.K. Did the union, in fact, tell the 12:16 PM</p> <p>12 district that you were not a steward?</p> <p>13 A. Yes, they did. 12:16 PM</p> <p>14 Q. O.K. If you were not a steward and 12:16 PM</p> <p>15 you were not an elected union official, did you</p> <p>16 have any right to engage in union business while</p> <p>17 being paid a paycheck by the school district?</p> <p>18 A. The union claimed that I was not a 12:16 PM</p> <p>19 steward.</p> <p>20 Q. Right. 12:16 PM</p> <p>21 A. That was not true. 12:16 PM</p> <p>22 Q. O.K. So let's see what we've got 12:16 PM</p> <p>23 here. You, in fact, filed a grievance on that</p> <p>24 subject, didn't you?</p> <p>25 A. Yes, for my pay. 12:16 PM</p>	125
124	<p>1 Carol Melton</p> <p>2 Q. All right. So first of all let's talk 12:17 PM</p> <p>3 about you acknowledge that the union took the</p> <p>4 position that for three-and-a-half days -- well,</p> <p>5 let's mark a document. Make it easier. I don't</p> <p>6 want to confuse you.</p> <p>7 MR. RUSHFIELD: Defendant's D. 12:17 PM</p> <p>8 (Whereupon, Defendant's 12:17 PM</p> <p>9 Exhibit D, 10/24/16 email from Lesley</p> <p>10 Callis to Leighann Ciferri, 000292, is</p> <p>11 marked for identification, as of this</p> <p>12 date.)</p> <p>13 Q. Let me show you Defendant's D. So 12:18 PM</p> <p>14 this is an October 24, 2016 email from your union,</p> <p>15 from Lesley Callis to Leighann Ciferri. Who is</p> <p>16 Lesley Callis?</p> <p>17 A. Lesley Callis was the President at the 12:19 PM</p> <p>18 time in 2015.</p> <p>19 Q. At the time during the 2015-2016 12:19 PM</p> <p>20 school year that you used the business days?</p> <p>21 A. I used the union business days. 12:19 PM</p> <p>22 Q. While Ms. Callis was the local union 12:19 PM</p> <p>23 president.</p> <p>24 A. Yes. 12:19 PM</p> <p>25 Q. Leighann, L-e-i- -- 12:19 PM</p>	126
	<p>1 Carol Melton</p> <p>2 A. Leighann. 12:19 PM</p> <p>3 Q. L-e-i-g-h-a-n-n, Ciferri, 12:19 PM</p> <p>4 C-i-f-e-r-r-i, who is she?</p> <p>5 A. Leighann Ciferri is the current union 12:19 PM</p> <p>6 president of Local 3209.</p> <p>7 Q. And this document, this email is dated 12:19 PM</p> <p>8 October 24, 2016. At that time was Ms. Ciferri the</p> <p>9 president of the local union?</p> <p>10 A. Yes. 12:20 PM</p> <p>11 Q. O.K. 12:20 PM</p> <p>12 A. I believe so. 12:20 PM</p> <p>13 Q. So Ms. Callis -- well, what's 12:20 PM</p> <p>14 Ms. Callis's race? Is she white or black?</p> <p>15 A. She's white. 12:20 PM</p> <p>16 Q. And do you believe Ms. Callis engaged 12:20 PM</p> <p>17 in race discrimination when she wrote this email?</p> <p>18 A. She was in collusion with the 12:20 PM</p> <p>19 district.</p> <p>20 Q. And you know she was in collusion with 12:20 PM</p> <p>21 the district to retaliate against you?</p> <p>22 A. That is my belief. 12:20 PM</p> <p>23 Q. And what's the basis for your belief 12:20 PM</p> <p>24 that she was in collusion with the district to</p> <p>25 engage in retaliation against you?</p>	

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127	<p>1 Carol Melton</p> <p>2 Q. What motive would Ms. Callis have to 12:21 PM</p> <p>3 retaliate against you?</p> <p>4 MR. WATSON: Objection. 12:21 PM</p> <p>5 Q. What motive do you claim she would 12:21 PM</p> <p>6 have to retaliate against you?</p> <p>7 A. I cannot speak to what her motives 12:21 PM</p> <p>8 are. I can only seek to what was written down.</p> <p>9 Q. All right. So the only reason that 12:21 PM</p> <p>10 you claim that she in collusion is because they</p> <p>11 wrote something in a memo that you believe is not</p> <p>12 true -- in an email that you believe is not true,</p> <p>13 is that fair?</p> <p>14 A. That is not true. 12:21 PM</p> <p>15 Q. Is that fair? That's the only reason 12:21 PM</p> <p>16 you claim she was in collusion, right?</p> <p>17 A. Yes. 12:22 PM</p> <p>18 Q. Is Ms. Ciferri also in collusion with 12:22 PM</p> <p>19 the district to retaliate against you?</p> <p>20 A. Yes. 12:22 PM</p> <p>21 Q. Do you have a motive? Can you give me 12:22 PM</p> <p>22 a motive that you would claim Ms. Ciferri would</p> <p>23 have to retaliate against you?</p> <p>24 A. Ms. Ciferri, Leighann Ciferri, is also 12:22 PM</p> <p>25 confirming that this is true.</p>	129	<p>1 Carol Melton</p> <p>2 involved in this email getting issued? Did they</p> <p>3 ask the union to issue this particular email to</p> <p>4 agree that you were not permitted to use union</p> <p>5 business days; is that what you're saying?</p> <p>6 A. Yes, I would say that -- 12:23 PM</p> <p>7 Q. Who -- 12:23 PM</p> <p>8 A. -- the district -- 12:23 PM</p> <p>9 Q. Yes. 12:23 PM</p> <p>10 A. -- must have asked the union for a 12:23 PM</p> <p>11 clarification or confirmation that I had either a</p> <p>12 steward or part of a committee that would warrant</p> <p>13 using three-and-a-half union business days.</p> <p>14 Q. So you're saying that your 12:23 PM</p> <p>15 understanding of what the district may have done is</p> <p>16 the district may have inquired or -- either</p> <p>17 inquired as to whether you were entitled to use</p> <p>18 business days or asked the union to confirm that</p> <p>19 you were not entitled to it; that would be the</p> <p>20 collusion that you're referring to by the district,</p> <p>21 correct?</p> <p>22 A. No. That's asking for information. 12:24 PM</p> <p>23 Once the district -- once the union provided this</p> <p>24 information in writing to the district and they</p> <p>25 know that this is not true, then they're colluding.</p>
128	<p>1 Carol Melton</p> <p>2 Q. So Ms. -- right, O.K. 'Cause 12:22 PM</p> <p>3 Ms. Ciferri, you're saying, confirmed that to the</p> <p>4 district; is that correct?</p> <p>5 A. Right. 12:22 PM</p> <p>6 Q. O.K. We keep going back to the fact 12:22 PM</p> <p>7 that you say is the basis for claiming collusion.</p> <p>8 Are you claiming that Ms. Ciferri 12:22 PM</p> <p>9 wanted to retaliate against you?</p> <p>10 A. What I said was that Ms. Ciferri was 12:22 PM</p> <p>11 in collusion with the district.</p> <p>12 Q. To retaliate -- 12:22 PM</p> <p>13 A. And she knew -- 12:22 PM</p> <p>14 Q. Sorry. 12:22 PM</p> <p>15 A. -- that what Ms. Callis wrote was not 12:22 PM</p> <p>16 through.</p> <p>17 Q. O.K. 12:22 PM</p> <p>18 A. Which then caused the district to 12:22 PM</p> <p>19 deduct three-and-a-half days of pay from my salary.</p> <p>20 Q. It's your claim that the district 12:23 PM</p> <p>21 asked Ms. Callis to issue this email?</p> <p>22 A. I don't know who asked. All I know is 12:23 PM</p> <p>23 that this email was sent to Ms. Ciferri.</p> <p>24 Q. O.K. So I'm trying to figure out 12:23 PM</p> <p>25 where the collusion part is. How was the district</p>	130	<p>1 Carol Melton</p> <p>2 Q. O.K. And how did the district -- why 12:24 PM</p> <p>3 are they colluding? Why do you think they're</p> <p>4 colluding?</p> <p>5 A. Which? 12:24 PM</p> <p>6 Q. The union, why is the union colluding? 12:24 PM</p> <p>7 A. I don't know why. I just know that 12:24 PM</p> <p>8 their actions are that they are not in that</p> <p>9 position where they're telling the truth in this</p> <p>10 instance.</p> <p>11 Q. O.K. So, I mean this is a case of 12:24 PM</p> <p>12 either race discrimination or retaliation. Are you</p> <p>13 claiming that Ms. Callis and/or Ms. Ciferri were</p> <p>14 trying to assist the district in retaliating</p> <p>15 against you because you filed an EEOC complaint?</p> <p>16 A. I don't know if they were aware or not 12:25 PM</p> <p>17 aware. I just know that their actions are that</p> <p>18 they're assisting the district.</p> <p>19 Q. And they're assisting the district by 12:25 PM</p> <p>20 simply agreeing that you weren't entitled to the</p> <p>21 union business days, correct?</p> <p>22 A. Yes. 12:25 PM</p> <p>23 Q. O.K. Let's get the grievance stuff. 12:25 PM</p> <p>24 A. Oh. 12:25 PM</p> <p>25 Q. Yes, go ahead. 12:25 PM</p>

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131	<p>1 Carol Melton</p> <p>2 A. Can I make a text so I can be picked 12:25 PM</p> <p>3 up before we have that break so there's no delay?</p> <p>4 Q. Go right ahead. 12:26 PM</p> <p>5 A. 'Cause I don't want to be walking. 12:26 PM</p> <p>6 Q. So we have October 24, 2015, that's 12:28 PM</p> <p>7 Defendant's D, where the union puts out this email</p> <p>8 from one president to another saying you weren't</p> <p>9 entitled to three-and-a-half business days.</p> <p>10 MR. RUSHFIELD: Let's have this 12:28 PM</p> <p>11 marked as Defendant's E.</p> <p>12 (Whereupon, Defendant's 12:29 PM</p> <p>13 Exhibit E, 6/21-22/16 email stream</p> <p>14 between Carol Melton and Dr. Ronel Cook,</p> <p>15 000192, is marked for identification, as</p> <p>16 of this date.)</p> <p>17 Q. Showing the witness Defendant's E. 12:29 PM</p> <p>18 This is an email stream between you and Dr. Cook.</p> <p>19 It begins with Dr. Cook writing to you on June 21,</p> <p>20 2016, in which he says he's learned that you</p> <p>21 utilized three-and-a-half school days to conduct</p> <p>22 union business, and then he asks a number of</p> <p>23 questions. He asks what is your official title as</p> <p>24 an officer; who are the other officers who worked</p> <p>25 with you; what type of work was performed; was</p>
132	<p>1 Carol Melton</p> <p>2 Ms. Callis aware of it; did you receive</p> <p>3 authorization from your school principal, him or</p> <p>4 Superintendent Williams for the three-and-a-half</p> <p>5 days, and your response's above that; is that</p> <p>6 correct?</p> <p>7 A. Yes. 12:30 PM</p> <p>8 Q. O.K. 12:30 PM</p> <p>9 MR. WATSON: Oh, counselor, I 12:30 PM</p> <p>10 actually have a different document here.</p> <p>11 MR. RUSHFIELD: That probably 12:30 PM</p> <p>12 explains why I have another one here. I</p> <p>13 gave you the one that doesn't have the</p> <p>14 response?</p> <p>15 MR. WATSON: Right. 12:30 PM</p> <p>16 MR. RUSHFIELD: Here you go. I 12:30 PM</p> <p>17 will take that one back. It's on here</p> <p>18 anyway. This, what you gave back to me,</p> <p>19 was the inquiry by Dr. Cook, which is on</p> <p>20 the bottom of Defendant's E.</p> <p>21 Q. Now, according to the timeframe here, 12:30 PM</p> <p>22 Mr. Cook didn't contact you about this subject</p> <p>23 until June 21, 2016 and it was a number of months</p> <p>24 later, Defendant's D, that Ms. Callis wrote to</p> <p>25 Ms. Ciferri. Let's move on.</p>
133	<p>1 Carol Melton</p> <p>2 MR. RUSHFIELD: Let's mark this 12:31 PM</p> <p>3 as Defendant's F.</p> <p>4 (Whereupon, Defendant's 12:31 PM</p> <p>5 Exhibit F, 6/21/16 email from Sheryl</p> <p>6 Small to Dr. Ronel Cook, 000225, is</p> <p>7 marked for identification, as of this</p> <p>8 date.)</p> <p>9 Q. Showing you Defendant's F, that's an 12:32 PM</p> <p>10 email from Sheryl Small to Dr. Cook, dated June 21,</p> <p>11 2016. Who's Ms. Small or who was she then?</p> <p>12 A. I only know that she works in the 12:32 PM</p> <p>13 district. I don't know the exact name of her</p> <p>14 title.</p> <p>15 Q. Does she work in the administration 12:32 PM</p> <p>16 building?</p> <p>17 A. Yes, I believe so. 12:32 PM</p> <p>18 Q. She said that on June 21 she spoke to 12:32 PM</p> <p>19 you that morning to ask you about your union</p> <p>20 business time. Did that happen? Did she have a</p> <p>21 conversation with you on that date?</p> <p>22 A. I don't remember. 12:32 PM</p> <p>23 Q. Do you recall having a conversation 12:32 PM</p> <p>24 with her about the subject of your use of union</p> <p>25 business time?</p>
134	<p>1 Carol Melton</p> <p>2 A. I don't remember that. 12:32 PM</p> <p>3 Q. O.K. According to this, she informed 12:32 PM</p> <p>4 you that you cannot use business time, that it's</p> <p>5 only for officers and has to be preapproved and so</p> <p>6 you will be docked for those days. Did Ms. Small</p> <p>7 have that conversation with you?</p> <p>8 A. I said I don't remember the 12:33 PM</p> <p>9 conversation.</p> <p>10 Q. You don't remember that either. All 12:33 PM</p> <p>11 right.</p> <p>12 She said she went through your time 12:33 PM</p> <p>13 back to the '11-12 school year and sees no record</p> <p>14 of your using union business days. Had you ever</p> <p>15 used union business days between the 2011-12 school</p> <p>16 year and the use of union business days in June of</p> <p>17 2016?</p> <p>18 A. I'm sorry, what was the question? 12:33 PM</p> <p>19 Q. When had you used union business days 12:33 PM</p> <p>20 in 2015-2016 school year?</p> <p>21 A. What were the dates? 12:33 PM</p> <p>22 Q. Well, yes, or give me at least a 12:33 PM</p> <p>23 month.</p> <p>24 A. It was -- I think it was October. I'm 12:33 PM</p> <p>25 not real sure of the days.</p>

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135	<p>1 Carol Melton</p> <p>2 Q. Well, by the fact that we have 12:34 PM</p> <p>3 Defendant's D, where the issue is being addressed</p> <p>4 by your union, is it fair to say that it was before</p> <p>5 October 24th, 2016? I'm sorry. Withdraw that. It</p> <p>6 had to be.</p> <p>7 We know it was before June of 2016. 12:34 PM</p> <p>8 Do you recall how early it was in the school year</p> <p>9 that you used union business days?</p> <p>10 A. I think the approximate time was in 12:34 PM</p> <p>11 October.</p> <p>12 Q. Of 2015. 12:34 PM</p> <p>13 A. Of Twenty -- what was it? I'm not 12:34 PM</p> <p>14 sure. I know it was October --</p> <p>15 Q. O.K. 12:34 PM</p> <p>16 A. -- sometime. 12:34 PM</p> <p>17 Q. This issue is coming up with the 12:34 PM</p> <p>18 district in June of 2016. Am I correct that it</p> <p>19 happened, it was October 6 that same school year,</p> <p>20 Ms. Melton?</p> <p>21 A. I said I don't remember if it was 12:34 PM</p> <p>22 then.</p> <p>23 Q. All right. We'll move on. 12:35 PM</p> <p>24 According to Defendant's F, Ms. Small 12:35 PM</p> <p>25 went back till the '11-12 school year and saw no</p>	137	<p>1 Carol Melton</p> <p>2 Q. If you don't know, you don't know. Do 12:36 PM</p> <p>3 you want to hand me these back, please.</p> <p>4 A. O.K. 12:36 PM</p> <p>5 Q. You filed a grievance on this subject, 12:36 PM</p> <p>6 right? Correct?</p> <p>7 A. Yes. 12:36 PM</p> <p>8 MR. RUSHFIELD: G. 12:36 PM</p> <p>9 (Whereupon, Defendant's 12:36 PM</p> <p>10 Exhibit G, 6/30/16 Official</p> <p>11 Grievance Form re loss of pay for</p> <p>12 union business days, one-page, is</p> <p>13 marked for identification, as of</p> <p>14 this date.)</p> <p>15 Q. Defendant's G. This is a grievance 12:37 PM</p> <p>16 you filed on the subject of you being deducted from</p> <p>17 your paycheck days you had allegedly used for union</p> <p>18 business? Yes or no.</p> <p>19 A. Yes. 12:37 PM</p> <p>20 Q. O.K. And was that grievance denied? 12:37 PM</p> <p>21 A. Yes. 12:37 PM</p> <p>22 Q. It was denied both by Dr. Cook and by 12:37 PM</p> <p>23 the Board of Education, wasn't it?</p> <p>24 A. I know it was on Step I. I don't know 12:38 PM</p> <p>25 the subsequent steps.</p>
136	<p>1 Carol Melton</p> <p>2 record of your using union business days. Had you</p> <p>3 used union business days before the 2015-2016</p> <p>4 school year? Had you used union business days</p> <p>5 before that?</p> <p>6 A. Yes. 12:35 PM</p> <p>7 Q. All right. And did you report those 12:35 PM</p> <p>8 union business days to the principal of the school</p> <p>9 you were working in?</p> <p>10 A. That's not something you needed to do. 12:35 PM</p> <p>11 Q. Did you report it to anybody? 12:35 PM</p> <p>12 A. You just put it into the system. 12:35 PM</p> <p>13 Q. You put union business day into the 12:35 PM</p> <p>14 system?</p> <p>15 A. That's correct. 12:35 PM</p> <p>16 Q. And then it will come up in the 12:35 PM</p> <p>17 system, so Ms. Small should have seen that in the</p> <p>18 system that you used it before, right?</p> <p>19 A. I don't know. 12:35 PM</p> <p>20 Q. If it's in the system, if Ms. Small 12:35 PM</p> <p>21 has access to that system, you understand she would</p> <p>22 be able to find out you had used it because she</p> <p>23 says you didn't.</p> <p>24 A. I don't know if that was the same 12:36 PM</p> <p>25 system we were using in that particular timeframe.</p>	138	<p>1 Carol Melton</p> <p>2 MR. RUSHFIELD: Well, let's have 12:38 PM</p> <p>3 this marked as H.</p> <p>4 (Whereupon, Defendant's 12:38 PM</p> <p>5 Exhibit H, 7/13/15 Memorandum from Dr.</p> <p>6 Ronel Cook to Leighann Ciferri, Subject:</p> <p>7 State II Response, 000076-77, is marked</p> <p>8 for identification, as of this date.)</p> <p>9 (Whereupon, Defendant's 12:38 PM</p> <p>10 Exhibit I, 8/12/16 memo, from Ralph</p> <p>11 Coates to Leighann Ciferri, Re: Stage</p> <p>12 III Response, 000074, is marked for</p> <p>13 identification, as of this date.)</p> <p>14 Q. Let me show you what's been marked as 12:39 PM</p> <p>15 Defendant's H, Ms. Melton. Have you seen that</p> <p>16 before today? Ms. Melton, have you seen that</p> <p>17 before today?</p> <p>18 A. I may have. 12:40 PM</p> <p>19 Q. Well, you'll notice there's a Bates 12:40 PM</p> <p>20 stamp number on it, which means if you looked at</p> <p>21 the documents we produced to you, you would have</p> <p>22 seen it.</p> <p>23 Am I correct, am I not, that Dr. Cook 12:40 PM</p> <p>24 at Stage II denied your grievance claiming that you</p> <p>25 were not entitled to union business days?</p>

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139	<p>1 Carol Melton</p> <p>2 A. Yes. 12:40 PM</p> <p>3 Q. O.K. I'll show you Defendant's I. 12:40 PM</p> <p>4 And that purports to be a Board of Education</p> <p>5 decision by the President of the Board of Ed.</p> <p>6 A. Yes. 12:40 PM</p> <p>7 Q. Which is the same conclusion as 12:40 PM</p> <p>8 Dr. Cook, that you weren't entitled to the union</p> <p>9 business days, right?</p> <p>10 A. That's what it says. 12:41 PM</p> <p>11 Q. O.K. Did your union arbitrate the 12:41 PM</p> <p>12 grievance?</p> <p>13 A. No. 12:41 PM</p> <p>14 Q. Union's position, as you knew, is that 12:41 PM</p> <p>15 you were not entitled to the pay, right?</p> <p>16 A. The union was not going to arbitrate 12:41 PM</p> <p>17 it.</p> <p>18 Q. You knew the union's position. You 12:41 PM</p> <p>19 know the union's position as of October of 2016,</p> <p>20 when they communicated amongst each other, that you</p> <p>21 were not entitled to union business days, right?</p> <p>22 That's your collusion claim, but you 12:41 PM</p> <p>23 know the union's position in writing was that you</p> <p>24 weren't entitled to it, right?</p> <p>25 MR. WATSON: Objection. 12:41 PM</p>	141
140	<p>1 Carol Melton</p> <p>2 A. The union put in writing that I wasn't 12:41 PM</p> <p>3 entitled to it, but I also said the union was</p> <p>4 lying.</p> <p>5 Q. I understand that. 12:41 PM</p> <p>6 You claim you were entitled to it, but 12:41 PM</p> <p>7 you understand they did not arbitrate the claim,</p> <p>8 right?</p> <p>9 A. They wouldn't arbitrate the claim if 12:41 PM</p> <p>10 they're lying.</p> <p>11 Q. They wouldn't arbitrate the claim 12:41 PM</p> <p>12 'cause their position was different than yours.</p> <p>13 A. No. I -- 12:42 PM</p> <p>14 Q. They didn't arbitrate the claim simply 12:42 PM</p> <p>15 because you believe they were lying.</p> <p>16 A. I know they were lying. 12:42 PM</p> <p>17 Q. O.K. And the district's position that 12:42 PM</p> <p>18 you weren't entitled to it, are they also lying?</p> <p>19 A. The district received the information 12:42 PM</p> <p>20 from my union.</p> <p>21 Q. So they relied upon the information 12:42 PM</p> <p>22 they got from your union.</p> <p>23 A. That is correct. 12:42 PM</p> <p>24 Q. O.K. So are you claiming that the 12:42 PM</p> <p>25 district relying on the information they got from</p>	142
	<p>1 Carol Melton</p> <p>2 your union in denying you days for union business</p> <p>3 was because of your race?</p> <p>4 A. What I've said was the district -- 12:42 PM</p> <p>5 Q. Are you claiming it was because of 12:42 PM</p> <p>6 your race?</p> <p>7 A. The district in -- the union, in 12:42 PM</p> <p>8 collusion, with the district performed some sort of</p> <p>9 retaliatory action based on a lie. The district</p> <p>10 also deducted an extra day that was not put into</p> <p>11 the system as a union day. That has not been</p> <p>12 explained. So they took an additional day that was</p> <p>13 not part of --</p> <p>14 Q. Did they take only three-and-a-half 12:43 PM</p> <p>15 days --</p> <p>16 MR. WATSON: Let her finish her 12:43 PM</p> <p>17 answer, sir.</p> <p>18 Q. -- or did they take more than -- 12:43 PM</p> <p>19 MR. WATSON: Counselor. 12:43 PM</p> <p>20 Q. I'm sorry. Is there something else 12:43 PM</p> <p>21 you wanted to say?</p> <p>22 A. The district took three-and-a-half 12:43 PM</p> <p>23 days from my pay.</p> <p>24 Q. Right. And that's what your grievance 12:43 PM</p> <p>25 was about, in fact, wasn't it?</p>	

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143	<p>1 Carol Melton</p> <p>2 Q. You claimed that contractually they 12:44 PM</p> <p>3 weren't entitled to take any of that money away</p> <p>4 from you, right? Right?</p> <p>5 A. Yes. 12:44 PM</p> <p>6 Q. And your grievance was denied both by 12:44 PM</p> <p>7 Dr. Cook at Stage II and by the Board of Education</p> <p>8 at Stage III, right?</p> <p>9 A. Yes. 12:44 PM</p> <p>10 Q. And your union did not arbitrate the 12:44 PM</p> <p>11 claim because, at least according to you, their</p> <p>12 position by lying was the same as the district's</p> <p>13 right?</p> <p>14 A. Yes. 12:44 PM</p> <p>15 Q. O.K. But it's your claim that this 12:44 PM</p> <p>16 was retaliation by the district for your having</p> <p>17 filed an EEOC complaint; is that correct?</p> <p>18 A. I don't believe I said that. 12:44 PM</p> <p>19 Q. Is that your claim, that they engaged 12:44 PM</p> <p>20 in this process of taking the days and denying your</p> <p>21 grievance in collusion with your union because the</p> <p>22 district wanted to retaliate against you for your</p> <p>23 filing the EEOC complaint? Is that your claim?</p> <p>24 A. I believe that the union was in 12:45 PM</p> <p>25 collusion with the district.</p>	145	<p>1 Carol Melton</p> <p>2 knowledge of that?</p> <p>3 MR. WATSON: Objection. 12:46 PM</p> <p>4 Q. Do you have any knowledge of that? 12:46 PM</p> <p>5 A. I have knowledge of the fact that the 12:46 PM</p> <p>6 union lied.</p> <p>7 Q. Do you have anything else other than 12:46 PM</p> <p>8 your knowledge that the union lied?</p> <p>9 A. Not at this time. 12:46 PM</p> <p>10 Q. And do you know why the union lied? 12:46 PM</p> <p>11 A. Do I know? 12:46 PM</p> <p>12 Q. Yes. You said they lied. They must 12:46 PM</p> <p>13 have a reason, right? Why did they lie?</p> <p>14 A. I can't speak to why they lied. 12:46 PM</p> <p>15 Q. Do you have any knowledge of why they 12:46 PM</p> <p>16 lied?</p> <p>17 A. I know that they lied. 12:46 PM</p> <p>18 Q. Do you have any knowledge of why they 12:46 PM</p> <p>19 lied?</p> <p>20 A. I don't know why, what they're -- 12:46 PM</p> <p>21 Q. That's what I figured. 12:46 PM</p> <p>22 A. -- what their actions were, what they 12:46 PM</p> <p>23 wanted to do. Only that --</p> <p>24 Q. Only that -- 12:47 PM</p> <p>25 A. -- they lied and it subsequently ended 12:47 PM</p>
144	<p>1 Carol Melton</p> <p>2 Q. Is that your claim, that the district 12:45 PM</p> <p>3 retaliated against you in collusion with your union</p> <p>4 because you filed this EEOC complaint with regard</p> <p>5 to this three-and-a-half day union business?</p> <p>6 A. I can say that, yes. 12:45 PM</p> <p>7 Q. That's your position. 12:45 PM</p> <p>8 A. I can say that, yes. 12:45 PM</p> <p>9 Q. And other than the fact do you 12:45 PM</p> <p>10 disagree with the union and the district, do you</p> <p>11 have any other evidence that this was in</p> <p>12 retaliation for your EEOC complaint?</p> <p>13 A. I'm unsure what you mean by evidence. 12:45 PM</p> <p>14 Q. Well, you claim it was in retaliation. 12:45 PM</p> <p>15 What we have in front of us is your union and the</p> <p>16 district agreeing what the contract requires. You</p> <p>17 may think it's all collusion, that's what you're</p> <p>18 saying, but they agree that that's what's required.</p> <p>19 You have no knowledge of them -- am I 12:45 PM</p> <p>20 correct that you have no knowledge of the union and</p> <p>21 the district actually engaging in any acts of</p> <p>22 collusion? Do you have any knowledge of them</p> <p>23 actually engaging in any acts of collusion, of</p> <p>24 discussing among them let's do this against</p> <p>25 Ms. Melton? Do you have any evidence of that or</p>	146	<p>1 Carol Melton</p> <p>2 in my having three-and-a-half days deducted from my</p> <p>3 pay.</p> <p>4 Q. You understand that that 12:47 PM</p> <p>5 three-and-a-half days being deducted from your pay</p> <p>6 and the end result was a consequence of the union</p> <p>7 taking the position that you weren't entitled to</p> <p>8 it, right?</p> <p>9 A. Yes. 12:47 PM</p> <p>10 Q. O.K. 12:47 PM</p> <p>11 MR. RUSHFIELD: I don't know if 12:47 PM</p> <p>12 we're a waiting for someone to come for</p> <p>13 you, in which case we will go until they</p> <p>14 come for you.</p> <p>15 THE WITNESS: Yes. 12:47 PM</p> <p>16 MR. RUSHFIELD: Let me see if 12:47 PM</p> <p>17 he's here.</p> <p>18 Off the record. 12:47 PM</p> <p>19 (Whereupon, at 12:47 a lunch 12:47 PM</p> <p>20 recess is taken.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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147	<p>1</p> <p>2 AFTERNOON SESSION 01:31 PM</p> <p>3 (Time noted: 1:31 p.m.) 01:31 PM</p> <p>4 WHEREUPON, 01:31 PM</p> <p>5 CAROL MELTON, 01:31 PM</p> <p>6 having been previously duly 01:31 PM</p> <p>7 sworn/affirmed by a Notary Public, is</p> <p>8 examined and testifies further as</p> <p>9 follows:</p> <p>10 EXAMINATION (Resumed) 01:31 PM</p> <p>11 BY MR. RUSHFIELD: 01:31 PM</p> <p>12 Q. Ms. Melton, at Morse School, does the 01:31 PM</p> <p>13 school day end for you at 2:45 p.m.?</p> <p>14 A. Yes, that's approximately right. 01:31 PM</p> <p>15 Q. O.K. And the 21st Century 01:31 PM</p> <p>16 after-school program at Clinton, doesn't that start</p> <p>17 at 2:35 p.m.?</p> <p>18 A. I -- my understanding is it started at 01:32 PM</p> <p>19 2:30.</p> <p>20 Q. O.K. When you were at Morse, how 01:32 PM</p> <p>21 could you do this 21st Century after-school program</p> <p>22 if that program started 15 minutes before your day</p> <p>23 at Morse ended?</p> <p>24 A. I'm sorry. 01:32 PM</p> <p>25 Q. Sure. It's easy. 01:32 PM</p>	149	<p>1 Carol Melton</p> <p>2 Clinton, the 21st Century one, 15 minutes before</p> <p>3 you school day ends?</p> <p>4 A. I would say that the person who is in 01:33 PM</p> <p>5 that position is starting earlier, but also if</p> <p>6 there's a sub and whatever building they're coming</p> <p>7 from would arrive at the time that they arrive at.</p> <p>8 Q. O.K. You've seen the discovery 01:33 PM</p> <p>9 materials that I sent you in this matter. Have you</p> <p>10 reviewed them at all?</p> <p>11 A. Yes, I reviewed them. 01:33 PM</p> <p>12 Q. O.K. Do you recall there being -- let 01:33 PM</p> <p>13 me ask you a question.</p> <p>14 In your complaint you allege that you 01:33 PM</p> <p>15 made a complaint against Dr. Cook that he was</p> <p>16 harassing you. Do you recall that?</p> <p>17 A. Yes. 01:34 PM</p> <p>18 Q. Do you believe he was harassing you -- 01:34 PM</p> <p>19 and this is before you filed your EEOC complaint,</p> <p>20 correct? Your harassment complaint of Dr. Cook was</p> <p>21 before you filed your EEOC complaint; is that not</p> <p>22 correct?</p> <p>23 A. Yes. 01:34 PM</p> <p>24 Q. O.K. Is it your belief Dr. Cook was 01:34 PM</p> <p>25 harassing you because you're African-American?</p>
148	<p>1 Carol Melton</p> <p>2 A. The question you're asking me is 01:32 PM</p> <p>3 escaping me. I didn't...</p> <p>4 Q. I'll do it again. 01:32 PM</p> <p>5 A. O.K. 01:32 PM</p> <p>6 Q. Your school day at Morse ended at 2:45 01:32 PM</p> <p>7 p.m. You answered that question, right?</p> <p>8 A. Yes. 01:32 PM</p> <p>9 Q. You said that the 21st Century 01:32 PM</p> <p>10 after-school program at Clinton starts at 2:30,</p> <p>11 right? Right?</p> <p>12 A. Yes. 01:32 PM</p> <p>13 Q. O.K. Well, how can you be there at 01:32 PM</p> <p>14 the beginning of the 21st Century after-school</p> <p>15 program at Clinton if your school day at Morse</p> <p>16 doesn't end until 2:30, 15 minutes after the 21st</p> <p>17 Century program begins?</p> <p>18 A. I know that the school day ends later, 01:33 PM</p> <p>19 too, at Clinton as well.</p> <p>20 Q. But you just told me that they start 01:33 PM</p> <p>21 the 21st Century after-school program at 2:30.</p> <p>22 A. That is true. 01:33 PM</p> <p>23 Q. O.K. So how would you be at Morse 01:33 PM</p> <p>24 until 2:45 doing your Teaching Assistant duties</p> <p>25 there and be at the after-school program at</p>	150	<p>1 Carol Melton</p> <p>2 A. O.K., you're saying that -- 01:34 PM</p> <p>3 Q. No. It's a simple question. Did you 01:34 PM</p> <p>4 believe that Dr. Cook was harassing you because</p> <p>5 you're African-American? Yes or no.</p> <p>6 A. I don't remember saying that he 01:34 PM</p> <p>7 harassed me before I put the EEOC case in.</p> <p>8 Q. Well, the EEOC complaint, as we know, 01:34 PM</p> <p>9 is December 21, 2015. When did you put in your</p> <p>10 notice that Dr. Cook was harassing you?</p> <p>11 MR. RUSHFIELD: Let's mark this 01:35 PM</p> <p>12 J.</p> <p>13 (Whereupon, Defendant's 01:35 PM</p> <p>14 Exhibit J, 10/31/16 email, from</p> <p>15 Carol Melton to Dr. Nicole</p> <p>16 Williams, Re: Cease and desist</p> <p>17 from stalking, harassment,</p> <p>18 intimidation, etc., 000167, is</p> <p>19 marked for identification, as of</p> <p>20 this date.)</p> <p>21 Q. Here's your harassment complaint, 01:36 PM</p> <p>22 Defendant's J. It's dated October 31, 2016, and it</p> <p>23 says in it that "Dr. Cook has a history and pattern</p> <p>24 of repeated harassment and retaliation towards me."</p> <p>25 When did that start?</p>

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151	<p>1 Carol Melton</p> <p>2 A. Sometime in the 2016. 01:36 PM</p> <p>3 Q. So it didn't happen during the 01:36 PM</p> <p>4 2015-2016 school year?</p> <p>5 A. Well, 2015-2016, so when I say 2016, 01:36 PM</p> <p>6 Two Thousand, the latter part and then 2016-2017.</p> <p>7 Q. So you're saying the 2015-2016 school 01:36 PM</p> <p>8 year would have ended around now in June, so it</p> <p>9 would be June 28, 2016, right, in that area?</p> <p>10 A. Yes, that's when our school year ends. 01:37 PM</p> <p>11 Q. So you're saying he started harassing 01:37 PM</p> <p>12 you in June of 2016? May of 2016? April?</p> <p>13 A. I don't know the exact date. 01:37 PM</p> <p>14 Q. Well, what was the first thing he did 01:37 PM</p> <p>15 that you considered to be an act of harassment,</p> <p>16 retaliation or intimidating actions?</p> <p>17 A. In addition to this letter in front of 01:37 PM</p> <p>18 me?</p> <p>19 Q. Well, the letter doesn't tell me 01:37 PM</p> <p>20 about, actions. I'm talking about what is the</p> <p>21 first thing he did that you considered to be an act</p> <p>22 of harassment, intimidation, retaliation?</p> <p>23 A. When he followed me to a school, when 01:37 PM</p> <p>24 he --</p> <p>25 Q. Well, when was that? When did he 01:37 PM</p>	153	<p>1 Carol Melton</p> <p>2 Q. -- that you considered to be 01:38 PM</p> <p>3 intimidating, harassing, retaliating.</p> <p>4 A. Well, a compilation of everything 01:39 PM</p> <p>5 together and getting to this last incident led me</p> <p>6 to believe that.</p> <p>7 Q. I want to ask you when is the first 01:39 PM</p> <p>8 incident, even with hindsight what's the first</p> <p>9 incident that has led you to believe by October 31,</p> <p>10 2016 that Dr. Cook was engaging in harassment,</p> <p>11 retaliation, intimidation?</p> <p>12 A. That I'm aware of is the deducting of 01:39 PM</p> <p>13 the three-and-a-half days.</p> <p>14 Q. In June of 2016. 01:39 PM</p> <p>15 A. Yes. 01:39 PM</p> <p>16 Q. Right? 01:39 PM</p> <p>17 A. Yeah, if that's the date. 01:39 PM</p> <p>18 Q. So that's the first thing that you 01:39 PM</p> <p>19 considered to be an act of intimidation,</p> <p>20 harassment, et cetera, was Dr. Cook -- was his</p> <p>21 involvement in the deduction. Was he the one that</p> <p>22 decided that the deduction would be made?</p> <p>23 A. He is the one who decides. 01:39 PM</p> <p>24 Q. He decides, not the Superintendent of 01:39 PM</p> <p>25 Schools?</p>
152	<p>1 Carol Melton</p> <p>2 follow you to a school?</p> <p>3 A. That was in 2015-2016 school year. 01:37 PM</p> <p>4 Q. When? Give me a month. 01:37 PM</p> <p>5 A. It was on October twenty -- in 01:38 PM</p> <p>6 October, 24th, 25th, yes.</p> <p>7 Q. October twenty? 01:38 PM</p> <p>8 A. Fourth, 25th. 01:38 PM</p> <p>9 Q. Of 2015. 01:38 PM</p> <p>10 A. 2016. 01:38 PM</p> <p>11 Q. That would be a week before this 01:38 PM</p> <p>12 email.</p> <p>13 A. Yeah, because this is what -- 01:38 PM</p> <p>14 Q. But that would make it in the 01:38 PM</p> <p>15 2016-2017 school year, not at all in the 2016-2017</p> <p>16 school year.</p> <p>17 A. Right. 01:38 PM</p> <p>18 Q. So the first incident of what you 01:38 PM</p> <p>19 considered harassment, intimidation, et cetera</p> <p>20 happened around October 24, 2016; is that your</p> <p>21 testimony?</p> <p>22 A. What I'm saying is -- when I first 01:38 PM</p> <p>23 noticed it?</p> <p>24 Q. Well, when he first did something -- 01:38 PM</p> <p>25 A. Right. 01:38 PM</p>	154	<p>1 Carol Melton</p> <p>2 A. Not that I'm aware of, no. 01:39 PM</p> <p>3 Q. Are you aware that he's the one who 01:39 PM</p> <p>4 made the final decision?</p> <p>5 A. That's what I am aware of, yes. 01:39 PM</p> <p>6 Q. How do you know he made the final 01:40 PM</p> <p>7 decision?</p> <p>8 A. Because he -- his position isn't Human 01:40 PM</p> <p>9 Resources.</p> <p>10 Q. Who is the final decision-maker in the 01:40 PM</p> <p>11 district below the Board of Education?</p> <p>12 A. Generally, the superintendent. 01:40 PM</p> <p>13 Q. Do you know whether she's the one who 01:40 PM</p> <p>14 made the decision?</p> <p>15 A. I do not know that. 01:40 PM</p> <p>16 Q. So as far as you know, she may have 01:40 PM</p> <p>17 made the decision.</p> <p>18 A. It's possible. 01:40 PM</p> <p>19 Q. O.K. Do you think she was engaging in 01:40 PM</p> <p>20 harassment, intimidation or retaliation against</p> <p>21 you, too?</p> <p>22 A. I don't know that. I'm not aware of 01:40 PM</p> <p>23 that.</p> <p>24 Q. You're not claiming that. 01:40 PM</p> <p>25 A. I'm not aware at this time. 01:40 PM</p>

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155	<p>1 Carol Melton</p> <p>2 Q. Are you claiming it? 01:40 PM</p> <p>3 A. I'm not claiming yes or no. I'm 01:40 PM</p> <p>4 saying I'm not aware of --</p> <p>5 Q. Well, I'm asking yes or no. Is it a 01:40 PM</p> <p>6 claim in this case that the Superintendent of</p> <p>7 Schools, Dr. Williams, engaged in intimidation,</p> <p>8 harassment, or retaliation against you?</p> <p>9 A. At this time that we're talking about 01:40 PM</p> <p>10 with Dr. Cook? No. I can't --</p> <p>11 Q. By October 31, 2016, no? 01:40 PM</p> <p>12 A. Yes, by this time, I'm not aware of 01:41 PM</p> <p>13 anything.</p> <p>14 Q. O.K. Anyway, you looked through the 01:41 PM</p> <p>15 discovery in this case. Let me show you this</p> <p>16 document which we will mark as K.</p> <p>17 MR. RUSHFIELD: Defendant's K. 01:41 PM</p> <p>18 (Whereupon, Defendant's 01:41 PM</p> <p>19 Exhibit K, series of 9/22-24/15</p> <p>20 emails between Nadine Dargan,</p> <p>21 Dr. Ronel Cook and Dr. Nicole</p> <p>22 Williams, with attached 2015-2016</p> <p>23 schedule for Carol Melton,</p> <p>24 000230-34 and 000113-17, is marked</p> <p>25 for identification, as of this</p>	157	<p>1 Carol Melton</p> <p>2 they could make some kind of accommodation, which</p> <p>3 Dr. Williams wasn't prepared to do, right?</p> <p>4 A. It appears to be that way. 01:43 PM</p> <p>5 Q. Right. So you're claiming that 01:43 PM</p> <p>6 Dr. Williams was taking action against you in</p> <p>7 September of 2015 because you're African-American?</p> <p>8 Are you claiming that?</p> <p>9 A. What I'm saying is that I was not 01:43 PM</p> <p>10 aware of this.</p> <p>11 Q. You are now. 01:44 PM</p> <p>12 A. I am now. 01:44 PM</p> <p>13 Q. Well, we're talking about today, as of 01:44 PM</p> <p>14 today, 'cause your claim in this case you were</p> <p>15 denied this position, 21st Century grant Teaching</p> <p>16 Assistant position at Clinton because of your race.</p> <p>17 It was too early to be retaliation, it had to be</p> <p>18 race.</p> <p>19 MR. WATSON: Objection. 01:44 PM</p> <p>20 Q. This document makes clear to you, does 01:44 PM</p> <p>21 it now not, that, in fact, Dr. Williams was the one</p> <p>22 who made that eventual decision, contrary, actually</p> <p>23 to the recommendation of Dr. Cook, right?</p> <p>24 A. Contrary -- say that again. 01:44 PM</p> <p>25 Q. You understood that Dr. Cook took the 01:44 PM</p>
156	<p>1 Carol Melton</p> <p>2 date.)</p> <p>3 Q. Let me show you what's been marked as 01:41 PM</p> <p>4 defendant's K. It's a series of email</p> <p>5 communications between Dr. Cook and Dr. Williams</p> <p>6 where an attachment of your schedule for the</p> <p>7 2015-2016 school year.</p> <p>8 Have you reviewed these pages, which 01:42 PM</p> <p>9 are all Bates stamped, prior to today?</p> <p>10 A. O.K. 01:42 PM</p> <p>11 Q. Have you reviewed these prior to 01:42 PM</p> <p>12 today?</p> <p>13 A. Yes. This is many. 01:42 PM</p> <p>14 Q. Is it correct that you understand that 01:43 PM</p> <p>15 these email communications represent communications</p> <p>16 by Dr. Cook saying you could do the 21st Century</p> <p>17 program at Clinton despite the fact that the</p> <p>18 program starts earlier at Clinton than the end of</p> <p>19 your school day and that Dr. Williams was the one</p> <p>20 who said no, you could not? Do you understand that</p> <p>21 from reading this?</p> <p>22 A. Yes, I understand that. 01:43 PM</p> <p>23 Q. So you understand the decision on this 01:43 PM</p> <p>24 issue about whether you could do that program was</p> <p>25 made by Dr. Williams. In fact, Dr. Cook thought</p>	158	<p>1 Carol Melton</p> <p>2 position that they could make an accommodation for</p> <p>3 you to be able to go to Clinton to do this program</p> <p>4 even though your Morse employment took you beyond</p> <p>5 the beginning of the Clinton 21st Century program,</p> <p>6 you understood that from this document, right?</p> <p>7 A. Yes, after I read it, yes. 01:44 PM</p> <p>8 Q. Well, obviously. 01:44 PM</p> <p>9 You also understood from this document 01:44 PM</p> <p>10 that Dr. Williams is the one who said no, that's</p> <p>11 not acceptable and that somebody else would have to</p> <p>12 be assigned to the Clinton program, right?</p> <p>13 A. Yes. 01:45 PM</p> <p>14 Q. O.K. Well so, you understand, do you 01:45 PM</p> <p>15 not, that Superintendent Williams was the one who</p> <p>16 decided that you could not be assigned to the 21st</p> <p>17 Century Teaching Assistant program at Clinton for</p> <p>18 the 2015-2016 school year; you understand that from</p> <p>19 this, do you not?</p> <p>20 A. Yes, I read that. 01:45 PM</p> <p>21 Q. All right. So I ask you again, 01:45 PM</p> <p>22 'cause you claim it was an action of race</p> <p>23 discrimination, are you claiming that Dr. Williams</p> <p>24 was discriminating against you because you were</p> <p>25 African-American, at that time, beginning of the</p>

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159	<p>1 Carol Melton</p> <p>2 2015-2016 school year?</p> <p>3 A. I -- 01:45 PM</p> <p>4 Q. Yes or no. 01:45 PM</p> <p>5 A. I made the claim that discrimination 01:45 PM</p> <p>6 was -- this I just found out. Whether or not she</p> <p>7 was behind the scenes, I'm not aware of that.</p> <p>8 Q. But now you are. But now you are. 01:46 PM</p> <p>9 A. Yes. 01:46 PM</p> <p>10 Q. You know as of the date you read these 01:46 PM</p> <p>11 documents we produced to you in discovery that</p> <p>12 Dr. Williams is the one who made that decision,</p> <p>13 right? You see that here.</p> <p>14 A. Yes, I know that now. 01:46 PM</p> <p>15 Q. So I'm asking, today, are you still 01:46 PM</p> <p>16 claiming that when you didn't get the Clinton</p> <p>17 after-school 21st Century grant position that it</p> <p>18 was an act of race discrimination because Ms. Brown</p> <p>19 got it instead of you? Is that your claim still</p> <p>20 ever after having read this?</p> <p>21 A. What I also -- 01:46 PM</p> <p>22 Q. Is that your claim after having read 01:46 PM</p> <p>23 this? Yes or --</p> <p>24 A. What I -- 01:46 PM</p> <p>25 Q. You have to answer my question. 01:46 PM</p>
160	<p>1 Carol Melton</p> <p>2 MR. WATSON: Counsel, you don't 01:46 PM</p> <p>3 have to raise your voice.</p> <p>4 MR. RUSHFIELD: Well, you can 01:46 PM</p> <p>5 see it becomes very frustrating, Counsel.</p> <p>6 Q. You have to answer the question I ask. 01:46 PM</p> <p>7 It's a very simple question.</p> <p>8 Are you still claiming after having 01:46 PM</p> <p>9 read this, after having read Defendant's K that the</p> <p>10 act decided by Dr. Williams that you would not be</p> <p>11 able to get the extra assignment position,</p> <p>12 21st Century grant position at Clinton was an act</p> <p>13 of race discrimination? Are you still claiming</p> <p>14 that? Yes or No.</p> <p>15 A. I am claiming -- 01:47 PM</p> <p>16 Q. Yes or no. You have to answer my 01:47 PM</p> <p>17 question.</p> <p>18 A. I am answering your question. 01:47 PM</p> <p>19 Q. It's a yes or no question. Answer my 01:47 PM</p> <p>20 question.</p> <p>21 A. The question is not a yes or no, but 01:47 PM</p> <p>22 it requires me to say, restate what you said.</p> <p>23 So your question was, am I claiming? 01:47 PM</p> <p>24 I am claiming that upon reading this, I have</p> <p>25 discovered that Dr. Williams made the final</p>
161	<p>1 Carol Melton</p> <p>2 decision.</p> <p>3 Also, in these papers that you gave 01:47 PM</p> <p>4 me, Dr. Cook was saying as well that someone else</p> <p>5 was given the opportunity to leave work at an</p> <p>6 earlier time as well.</p> <p>7 Q. All correct. All correct. 01:47 PM</p> <p>8 A. O.K. 01:47 PM</p> <p>9 Q. My question to you remains the same. 01:47 PM</p> <p>10 Having read this, Dr. Williams, who you know is an</p> <p>11 African-American, are you claiming that</p> <p>12 Dr. Williams' decision that you were to not get</p> <p>13 that position because of the conflict in hours,</p> <p>14 that was what she's saying, was because of your</p> <p>15 race? It's a yes or no question. Yes or no.</p> <p>16 A. Dr. Williams -- 01:48 PM</p> <p>17 Q. Can you answer my question? You're 01:48 PM</p> <p>18 either making that claim in this action now or</p> <p>19 you're not.</p> <p>20 A. You made several statements. 01:48 PM</p> <p>21 Q. My statement each time, Ms. Melton, is 01:48 PM</p> <p>22 the exact same thing.</p> <p>23 Having read this document, knowing 01:48 PM</p> <p>24 that Dr. Williams is the one who made the</p> <p>25 decision --</p>
162	<p>1 Carol Melton</p> <p>2 A. Mm-hmm. 01:48 PM</p> <p>3 Q. -- nobody else, in fact, there was a 01:48 PM</p> <p>4 conflict between her and Dr. Cook on it, knowing</p> <p>5 all that, and having earlier testified that you</p> <p>6 believed this decision that you not get that</p> <p>7 assignment in Clinton, this 21st Century grant</p> <p>8 position you said earlier was because of your race,</p> <p>9 are you still maintaining that position? You</p> <p>10 either are or you are not. Yes or no.</p> <p>11 A. I am going to maintain that position 01:49 PM</p> <p>12 because I don't know what Dr. Williams' mind set at</p> <p>13 that time when she made the decision. I don't even</p> <p>14 know if she knew who he was.</p> <p>15 Q. Well, if she didn't know who you were, 01:49 PM</p> <p>16 then she couldn't have known your race, could she?</p> <p>17 A. That's possible. 01:49 PM</p> <p>18 Q. So I ask again, are you claiming that 01:49 PM</p> <p>19 Dr. Williams' decision is because you're black?</p> <p>20 A. It's possible. 01:49 PM</p> <p>21 Q. Anything is possible. Do you have any 01:49 PM</p> <p>22 reason to believe it's true?</p> <p>23 A. Well, you said earlier if Dr. Williams 01:49 PM</p> <p>24 was black. By her appearances, yes, she's black,</p> <p>25 but she speaks Spanish, so I'm not sure what her</p>

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163	<p>1 Carol Melton</p> <p>2 nationality is. I was not given the opportunity to</p> <p>3 say that earlier because I was sort of cut off with</p> <p>4 the yes or no.</p> <p>5 Q. I have no idea what you were just 01:49 PM</p> <p>6 talking about, but that's O.K.</p> <p>7 MR. WATSON: Objection. 01:49 PM</p> <p>8 Q. Let' move on to the question. This 01:49 PM</p> <p>9 question is simple.</p> <p>10 You know that Dr. Williams was the one 01:49 PM</p> <p>11 who made that decision. You're not disagreeing</p> <p>12 with that. Either Ms. Williams made that decision</p> <p>13 because you are African-American or she didn't.</p> <p>14 Is it your contention that she made in 01:50 PM</p> <p>15 a decision because you're African-American? That's</p> <p>16 your claim. You're either making it or you're not.</p> <p>17 A. I don't know what she was thinking. 01:50 PM</p> <p>18 Q. So you don't know whether your race 01:50 PM</p> <p>19 played any role in that decision then.</p> <p>20 A. I don't know. 01:50 PM</p> <p>21 Q. O.K., fair enough. You can return 01:50 PM</p> <p>22 that to me.</p> <p>23 MR. RUSHFIELD: May I have this 01:51 PM</p> <p>24 marked as L.</p> <p>25 (Whereupon, Defendant's 01:51 PM</p>	165	<p>1 Carol Melton</p> <p>2 that or in addition to that, are the positions</p> <p>3 named in paragraph 4 the positions that you claim</p> <p>4 in this action you were denied either in</p> <p>5 retaliation for your filing of the EEOC complaint</p> <p>6 or because of your race? Is this inclusive of all</p> <p>7 the ones we're talking about that are teacher</p> <p>8 assistant positions, not promotional ones?</p> <p>9 A. These are Teaching Assistant 01:53 PM</p> <p>10 positions, yes, that you apply for.</p> <p>11 Q. Listen to my question, Ms. Melton, 01:53 PM</p> <p>12 please. I know that. You've told me that already.</p> <p>13 That's not what I'm asking you.</p> <p>14 A. These are ones that I applied for. 01:53 PM</p> <p>15 Q. All right. Are these all the ones -- 01:53 PM</p> <p>16 and you didn't get any of these, right?</p> <p>17 A. I did not get any of these. 01:53 PM</p> <p>18 Q. Right. Are these the ones you're 01:53 PM</p> <p>19 claiming in this action were the ones that were</p> <p>20 denied to you because of retaliation or race</p> <p>21 discrimination?</p> <p>22 A. Yes. 01:53 PM</p> <p>23 Q. Are there more than these? I want to 01:53 PM</p> <p>24 be clear.</p> <p>25 A. Are there more than these? 01:53 PM</p>
164	<p>1 Carol Melton</p> <p>2 Exhibit L, 6/14/18 email, from Carol</p> <p>3 Melton to Mark Rushfield containing</p> <p>4 Amended Document Requests, one page, is</p> <p>5 marked for identification, as of this</p> <p>6 date.)</p> <p>7 Q. Mrs. Melton, I'm showing you a 01:51 PM</p> <p>8 document that's marked Defendant's L. It's an</p> <p>9 email that you sent me only, what, two weeks ago</p> <p>10 today with Amended Document Requests, and the last</p> <p>11 one at No. 4 asks for the name of all Teaching</p> <p>12 Assistants that received positions for</p> <p>13 extra-assignment/extra-service assignment in the</p> <p>14 following programs and it lists them. Is this list</p> <p>15 a list of Teaching Assistant positions that you</p> <p>16 claim you were denied on account of your race or in</p> <p>17 retaliation because of your EEOC complaint?</p> <p>18 A. This is a list of all positions that 01:52 PM</p> <p>19 Teaching Assistants would have an opportunity to</p> <p>20 apply for.</p> <p>21 Q. Did you apply for all of these? 01:52 PM</p> <p>22 A. I believe so. 01:52 PM</p> <p>23 Q. In paragraph 3 there's also a 01:52 PM</p> <p>24 reference to an extended school year position</p> <p>25 starting late July, early August 2017. Apart from</p>	166	<p>1 Carol Melton</p> <p>2 Q. In this action, which is a 2015-2016 01:53 PM</p> <p>3 and 2016-2017 school years, are there additional</p> <p>4 positions other than these that you claim you were</p> <p>5 denied improperly?</p> <p>6 A. That are -- that Teaching Assistants 01:54 PM</p> <p>7 can apply for.</p> <p>8 Q. Right, not promotional positions. 01:54 PM</p> <p>9 A. O.K. 01:54 PM</p> <p>10 Q. So is this complete? 01:54 PM</p> <p>11 A. This is -- these are what I asked for. 01:54 PM</p> <p>12 I don't know whether or not it's complete. There</p> <p>13 may have been other positions --</p> <p>14 Q. Do you remember having -- 01:54 PM</p> <p>15 A. -- that were offered. 01:54 PM</p> <p>16 Q. There may have been a host of other 01:54 PM</p> <p>17 positions offered. The question is the ones that</p> <p>18 you were denied. I gather for you to be denied to</p> <p>19 it, you would have had to make application, right?</p> <p>20 A. Yes. 01:54 PM</p> <p>21 Q. All right. So did you apply for any 01:54 PM</p> <p>22 positions that you were denied during the 2015-2016</p> <p>23 or 2016-17 school year that were Teaching</p> <p>24 Assistants other than the ones listed at</p> <p>25 paragraph 4 of Defendant's Exhibit L?</p>

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167	<p>1 Carol Melton</p> <p>2 A. These seem to be the extent of the 01:54 PM</p> <p>3 positions that I applied for.</p> <p>4 Q. O.K. Well, that helps 'cause it 01:55 PM</p> <p>5 narrows down for what we're talking about. O.K.</p> <p>6 MR. RUSHFIELD: M. 01:55 PM</p> <p>7 (Whereupon, Defendant's 01:55 PM</p> <p>8 Exhibit M, packet of Poughkeepsie</p> <p>9 City School District Board of</p> <p>10 Education documents, 16 pages, is</p> <p>11 marked for identification, as of</p> <p>12 this date.)</p> <p>13 Q. I'm showing you, Ms. Melton, what 01:55 PM</p> <p>14 we've marked as Defendant's M. This is a document</p> <p>15 that I provided to you with a number of other ones</p> <p>16 in response to your paragraph 4 in Defendant's L,</p> <p>17 and I did that maybe a week or so ago. And the</p> <p>18 first page -- withdraw that.</p> <p>19 If we go to the second and third 01:56 PM</p> <p>20 pages of this document, I'm hoping that's where it</p> <p>21 is, on the third page of this document, it talks</p> <p>22 about paraprofessional extra-service -- withdraw</p> <p>23 that.</p> <p>24 No. We'll go to the first page of 01:57 PM</p> <p>25 Defendant's M, do them in order. The first page,</p>	169	<p>1 Carol Melton</p> <p>2 A. No. 01:58 PM</p> <p>3 Q. Are you senior to Earth-Colon? 01:58 PM</p> <p>4 A. I don't -- I don't remember her. 01:58 PM</p> <p>5 Q. Are you senior to Logan? 01:58 PM</p> <p>6 A. No. 01:58 PM</p> <p>7 Q. Are you senior to Haggerty? 01:58 PM</p> <p>8 A. No. 01:58 PM</p> <p>9 Q. Are you senior to Shillingford? 01:58 PM</p> <p>10 A. Yes. 01:58 PM</p> <p>11 Q. O.K. So is -- now, is Shillingford a 01:58 PM</p> <p>12 white person?</p> <p>13 A. She's black. 01:58 PM</p> <p>14 Q. So should you have gotten the position 01:58 PM</p> <p>15 over Shillingford?</p> <p>16 A. Yes. 01:58 PM</p> <p>17 Q. So they discriminated against you in 01:58 PM</p> <p>18 favor of another black teacher -- black Teaching</p> <p>19 Assistant; is that your claim?</p> <p>20 A. That -- you -- you -- 01:58 PM</p> <p>21 Q. Well, you're claiming you should have 01:58 PM</p> <p>22 gotten the position instead of Shillingford,</p> <p>23 because of your seniority, right?</p> <p>24 A. You asked me -- 01:59 PM</p> <p>25 Q. You are claiming you should have 01:59 PM</p>
168	<p>1 Carol Melton</p> <p>2 this is a Board of Education Agenda Items and the</p> <p>3 first page is for the position of extended school</p> <p>4 year program for students with disabilities at</p> <p>5 Morse School. Did you, effective July 6th, 2015</p> <p>6 extending through August 14, 2015, did you apply</p> <p>7 for that position?</p> <p>8 A. Yes. 01:57 PM</p> <p>9 Q. O.K. Now, it looks like you did 01:57 PM</p> <p>10 not get -- you got a sub position rather than a</p> <p>11 full Teaching Assistant position, right? That's</p> <p>12 what happened that year?</p> <p>13 A. That's what it looks like, yes. 01:57 PM</p> <p>14 Q. And does that also reflect your 01:57 PM</p> <p>15 recollection of what happened that year?</p> <p>16 A. Yes. 01:57 PM</p> <p>17 Q. O.K. Now, the Teaching Assistants who 01:57 PM</p> <p>18 got positions over you, there are Sharon Bridges,</p> <p>19 Atkins, Earth-Colon, C-o-l-o-n, Logan, Haggerty,</p> <p>20 Shillingford, Baker. Are you senior to all of</p> <p>21 those persons?</p> <p>22 A. I'm senior to some of them. 01:58 PM</p> <p>23 Q. Are you senior to Bridges? 01:58 PM</p> <p>24 A. No. 01:58 PM</p> <p>25 Q. Are you senior to Atkins? 01:58 PM</p>	170	<p>1 Carol Melton</p> <p>2 gotten that position over Shillingford because of</p> <p>3 your seniority, is that not correct?</p> <p>4 A. If it's seniority, yes. 01:59 PM</p> <p>5 Q. Well, your claim is it's supposed to 01:59 PM</p> <p>6 be seniority.</p> <p>7 A. Yes. 01:59 PM</p> <p>8 Q. Your District-wide seniority is 01:59 PM</p> <p>9 greater than Shillingford's.</p> <p>10 A. Yes. 01:59 PM</p> <p>11 Q. But she got it over you? 01:59 PM</p> <p>12 A. Yes. 01:59 PM</p> <p>13 Q. So you're saying the district actually 01:59 PM</p> <p>14 discriminated against you in favor of another black</p> <p>15 Teaching Assistant, right?</p> <p>16 A. I don't know their mindset, but... 01:59 PM</p> <p>17 Q. But that's the fact, is that an 01:59 PM</p> <p>18 African-American Teaching Assistant got a position</p> <p>19 that you claim you should have gotten instead of</p> <p>20 her, right?</p> <p>21 A. That's one claim. 01:59 PM</p> <p>22 Q. That's what this reflects, right? 01:59 PM</p> <p>23 A. That's my claim. Yes. 01:59 PM</p> <p>24 Q. Now, are any of the teaching -- 01:59 PM</p> <p>25 actually this will probably help us.</p>

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171	<p>1 Carol Melton</p> <p>2 You provided me with a seniority list, 01:59 PM</p> <p>3 right?</p> <p>4 A. Yes. 01:59 PM</p> <p>5 MR. RUSHFIELD: Let's have that 01:59 PM</p> <p>6 marked as N.</p> <p>7 (Whereupon, Defendant's 02:00 PM</p> <p>8 Exhibit N, two-page document</p> <p>9 headed "Teaching Assistant</p> <p>10 Seniority List 16/17 School Year,"</p> <p>11 is marked for identification, as</p> <p>12 of this date.)</p> <p>13 Q. I'll show you what's been marked as 02:00 PM</p> <p>14 Defendant's M, and that's something that says</p> <p>15 "Teaching Assistant Seniority List 16/17 School</p> <p>16 Year," and you provided this to me, right?</p> <p>17 A. Yes. 02:00 PM</p> <p>18 Q. O.K. Where did you get this from? 02:00 PM</p> <p>19 A. I received this from my union who 02:00 PM</p> <p>20 received it from the --</p> <p>21 Q. District? 02:00 PM</p> <p>22 A. -- district. 02:00 PM</p> <p>23 Q. O.K. So the names who got subs, 02:00 PM</p> <p>24 Christine Arnfield, is she senior to Adelma</p> <p>25 Shillingford?</p>	173	<p>1 Carol Melton</p> <p>2 Shouldn't she have gotten the position occupied,</p> <p>3 let's say, by Shillingford?</p> <p>4 A. She should have gotten a position that 02:02 PM</p> <p>5 was occupied by anyone who she has more seniority</p> <p>6 over.</p> <p>7 Q. That would include Shillingford, 02:02 PM</p> <p>8 right?</p> <p>9 A. That would include Shillingford. 02:02 PM</p> <p>10 Q. Ms. Bridges, is she black or white? 02:02 PM</p> <p>11 A. Ms. Bridges? She's black. 02:02 PM</p> <p>12 Q. So is Sara Herman senior to 02:02 PM</p> <p>13 Ms. Bridges?</p> <p>14 No, I think not. 02:02 PM</p> <p>15 Is she senior to Ms. Atkins? Is 02:02 PM</p> <p>16 Ms. Atkins black or white?</p> <p>17 A. Ms. Atkins is -- she's black. 02:02 PM</p> <p>18 Q. It doesn't matter, she's senior to 02:02 PM</p> <p>19 Ms. Herman.</p> <p>20 A. Yes. 02:02 PM</p> <p>21 Q. Earth-Colon I don't think we see here, 02:02 PM</p> <p>22 do we?</p> <p>23 No. 02:02 PM</p> <p>24 A. I -- their -- I'm not sure at this 02:02 PM</p> <p>25 time if Christine Arnfield, who was white, is</p>
172	<p>1 Carol Melton</p> <p>2 A. To Shillingford you said? 02:01 PM</p> <p>3 Q. To Shillingford. 02:01 PM</p> <p>4 A. Christine Arnfield? 02:01 PM</p> <p>5 Q. That's what it says. 02:01 PM</p> <p>6 A. Christine Arnfield is not on the 02:01 PM</p> <p>7 paper.</p> <p>8 Q. Alice Rahemba? 02:01 PM</p> <p>9 A. Alice Rahemba? 02:01 PM</p> <p>10 Q. Actually she appears to be junior just 02:01 PM</p> <p>11 looking at the list. So let's go through it.</p> <p>12 A. Yes, she's junior. 02:01 PM</p> <p>13 You skipped Maryann Baker, though. 02:01 PM</p> <p>14 Q. So? What is it about Maryann Baker? 02:01 PM</p> <p>15 Is she, is Maryann Baker senior to Shillingford?</p> <p>16 A. No. 02:01 PM</p> <p>17 Q. Is she senior to -- is Maryann Baker 02:01 PM</p> <p>18 black or white?</p> <p>19 A. White. 02:01 PM</p> <p>20 Q. O.K. Let's see who else we've got 02:01 PM</p> <p>21 here.</p> <p>22 Sarah Herman, isn't Sarah Herman 02:01 PM</p> <p>23 senior to Adelma Shillingford?</p> <p>24 A. Yes. 02:02 PM</p> <p>25 Q. But she's listed as a sub here. 02:02 PM</p>	174	<p>1 Carol Melton</p> <p>2 retired. Maryann Baker is white, but she's not a</p> <p>3 Teaching Assistant.</p> <p>4 Q. I didn't ask you that. 02:03 PM</p> <p>5 So anyway, Ms. Herman was entitled to 02:03 PM</p> <p>6 a teaching position over Ms. Shillingford, right,</p> <p>7 based on seniority?</p> <p>8 A. She's senior to anyone that -- who's 02:03 PM</p> <p>9 under her.</p> <p>10 Q. Right. And that would include 02:03 PM</p> <p>11 Ms. Shillingford according to Defendant's N, right?</p> <p>12 A. Yes. 02:03 PM</p> <p>13 Q. Herman' number 13 and Shillingford's 02:03 PM</p> <p>14 number 22.</p> <p>15 A. Yes. 02:03 PM</p> <p>16 Q. But Ms. Herman didn't get the position 02:03 PM</p> <p>17 either, right?</p> <p>18 A. She did not. 02:03 PM</p> <p>19 Q. O.K. In order to become a sub you 02:03 PM</p> <p>20 have to have applied for the teaching position,</p> <p>21 correct?</p> <p>22 A. That's correct. 02:03 PM</p> <p>23 Q. O.K. Helen Purnell, is she white or 02:03 PM</p> <p>24 black?</p> <p>25 A. She's black. 02:04 PM</p>

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175	<p>1 Carol Melton</p> <p>2 Q. All right. And she was also entitled 02:04 PM</p> <p>3 based on her seniority to the position filled by</p> <p>4 Shillingford, right? She's senior to Shillingford,</p> <p>5 right?</p> <p>6 A. Yes. 02:04 PM</p> <p>7 Q. O.K. So Purnell, who's a black 02:04 PM</p> <p>8 Teaching Assistant, according to you, should have</p> <p>9 gotten the position occupied by another black</p> <p>10 Teaching Assistant but the district didn't do that,</p> <p>11 right?</p> <p>12 A. I don't know other than what's on this 02:04 PM</p> <p>13 paper. I also don't know if these same TAs also</p> <p>14 applied for other positions and perhaps received</p> <p>15 those positions. I only know the lineup on here</p> <p>16 and what it's stating.</p> <p>17 Q. I understand. I understand. You only 02:04 PM</p> <p>18 know what I know, what I can tell from this, which</p> <p>19 is, certain people, including you became subs,</p> <p>20 certain people got the full-time Teaching Assistant</p> <p>21 positions; that's what it shows, right?</p> <p>22 A. Yes, that's what it shows, yes. 02:05 PM</p> <p>23 Q. Right. And it shows that senior 02:05 PM</p> <p>24 Caucasian and senior black Teaching Assistants</p> <p>25 didn't get the full Teaching Assistant positions</p>	177	<p>1 Carol Melton</p> <p>2 A. According to, yes, her seniority. 02:06 PM</p> <p>3 Q. Right. 02:06 PM</p> <p>4 A. And also -- 02:06 PM</p> <p>5 Q. Well, is there some other reason that 02:06 PM</p> <p>6 Ms. Herman should have gotten it over</p> <p>7 Ms. Shillingford other than her seniority,</p> <p>8 according to you?</p> <p>9 A. If Ms. Herman applied for this 02:06 PM</p> <p>10 position for this first time and she should have</p> <p>11 received the position from the least senior person,</p> <p>12 and this --</p> <p>13 Q. Over the least senior person. 02:06 PM</p> <p>14 A. Over the least senior person. 02:06 PM</p> <p>15 Q. But actually over any person who she's 02:06 PM</p> <p>16 senior to, right?</p> <p>17 A. Right. 02:06 PM</p> <p>18 Q. Well Ms. -- 02:06 PM</p> <p>19 A. But my feeling here -- 02:06 PM</p> <p>20 Q. Ms. Shillingford is junior to her. 02:06 PM</p> <p>21 A. Right. 02:06 PM</p> <p>22 Q. Ms. Shillingford did not have the 02:06 PM</p> <p>23 right to retain the position over Ms. Herman,</p> <p>24 according to you, right?</p> <p>25 MR. WATSON: Is there a 02:06 PM</p>
176	<p>1 Carol Melton</p> <p>2 that were occupied by both black and white people,</p> <p>3 right?</p> <p>4 A. Yes. 02:05 PM</p> <p>5 Q. All right. And even though their 02:05 PM</p> <p>6 seniority gave them greater seniority than</p> <p>7 Ms. Shillingford, she got the full-time position</p> <p>8 and Ms. Herman and Ms. Purnell and -- well,</p> <p>9 Ms. Herman and Ms. Purnell, who were both senior</p> <p>10 did not? One's black and one's white, right?</p> <p>11 A. But not more senior than I am. 02:05 PM</p> <p>12 Q. Well, Ms. Herman is more senior than 02:05 PM</p> <p>13 you.</p> <p>14 A. Yes. 02:05 PM</p> <p>15 Q. And Ms. Purnell is more senior than 02:05 PM</p> <p>16 you.</p> <p>17 A. No, Ms. Purnell is not. 02:05 PM</p> <p>18 Q. No? Let's see now. Right. She's 02:05 PM</p> <p>19 right behind you.</p> <p>20 Ms. Herman is senior to you. 02:06 PM</p> <p>21 A. Yes. 02:06 PM</p> <p>22 Q. And she should have got- -- she was 02:06 PM</p> <p>23 entitled to the position assigned to</p> <p>24 Ms. Shillingford based to her seniority, according</p> <p>25 to you, right?</p>	178	<p>1 Carol Melton</p> <p>2 question?</p> <p>3 MR. RUSHFIELD: The end the 02:06 PM</p> <p>4 question was correct.</p> <p>5 Q. Isn't that correct? 02:06 PM</p> <p>6 A. Yes. 02:06 PM</p> <p>7 Q. Ms. Herman's seniority entitled her to 02:06 PM</p> <p>8 the same position that Ms. Shillingford got; is</p> <p>9 that not correct?</p> <p>10 A. Ms. Herman -- 02:07 PM</p> <p>11 Q. Is that not correct? 02:07 PM</p> <p>12 A. Ms. Herman's entitled -- 02:07 PM</p> <p>13 Q. Is that not correct? 02:07 PM</p> <p>14 A. Ms. Herman's entitled to any position 02:07 PM</p> <p>15 that anyone holds that she has more senior --</p> <p>16 seniority over whether they're black or white.</p> <p>17 Q. Exactly. Exactly. 02:07 PM</p> <p>18 And in this case, it was a 02:07 PM</p> <p>19 black person -- it was a black Teaching Assistant</p> <p>20 who got a position that she was entitled to based</p> <p>21 on her seniority.</p> <p>22 A. She also has more seniority over -- 02:07 PM</p> <p>23 Q. You know something? Would you answer 02:07 PM</p> <p>24 my question, please.</p> <p>25 MR. WATSON: Counselor. 02:07 PM</p>

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179	<p>1 Carol Melton</p> <p>2 MR. RUSHFIELD: It's very 02:07 PM</p> <p>3 frustrating, Counselor. Your witness</p> <p>4 wants to say what she wants to say rather</p> <p>5 than answering my questions. I'm going</p> <p>6 to insist she answer my question.</p> <p>7 MR. WATSON: I think part of it 02:07 PM</p> <p>8 is the complexity of the questions that</p> <p>9 are being asked.</p> <p>10 MR. RUSHFIELD: Well, I 02:07 PM</p> <p>11 understand you may think that but my</p> <p>12 questions are very simple. They're</p> <p>13 almost childlike in simplicity.</p> <p>14 Q. The question is, and I think you've 02:07 PM</p> <p>15 answered it, but I just want to make sure we're</p> <p>16 clear, Ms. Herman, who's white had an entitlement</p> <p>17 over Ms. Shillingford to a Teaching Assistant</p> <p>18 position for this paraprofessional extra-service</p> <p>19 appointment, right?</p> <p>20 A. Ms. Herman had -- 02:08 PM</p> <p>21 Q. It's a yes or no question, Ms. Melton. 02:08 PM</p> <p>22 Did she not have a seniority entitlement over</p> <p>23 Ms. Shillingford?</p> <p>24 A. Ms. Herman -- 02:08 PM</p> <p>25 Q. Did she have a seniority entitlement 02:08 PM</p>	181
180	<p>1 Carol Melton</p> <p>2 over Ms. Shillingford? It's a simple yes or no</p> <p>3 question.</p> <p>4 A. So are you asking me if -- 02:08 PM</p> <p>5 Q. I am asking you the same thing over 02:08 PM</p> <p>6 and over again.</p> <p>7 Did Ms. Herman have a seniority 02:08 PM</p> <p>8 entitlement to the position for the extended school</p> <p>9 year program for students with disabilities at</p> <p>10 Morse School over Ms. Shillingford based on her</p> <p>11 seniority? Yes or no.</p> <p>12 A. Ms. Herman -- 02:08 PM</p> <p>13 Q. Yes or no, Ms. Melton. 02:08 PM</p> <p>14 A. I'm not being difficult. 02:08 PM</p> <p>15 Q. Oh, no, you're being extremely 02:08 PM</p> <p>16 difficult, but I don't want to debate that with</p> <p>17 you. It's a yes or no question. Answer my</p> <p>18 question.</p> <p>19 Did Mr. Herman have a seniority 02:08 PM</p> <p>20 entitlement over Ms. Shillingford for the position</p> <p>21 referenced at the first page of Defendant's M? Yes</p> <p>22 or no.</p> <p>23 A. Yes, Ms. Herman has -- 02:08 PM</p> <p>24 Q. You've answered my question, Then 02:08 PM</p> <p>25 you've answered my question.</p>	182
	<p>1 Carol Melton</p> <p>2 Third page of this document. Now this 02:08 PM</p> <p>3 talks about paraprofessional extra-services</p> <p>4 appointment's amendment. Is this the same position</p> <p>5 that's referenced on the first page of</p> <p>6 Defendant's M or is this a different position?</p> <p>7 A. This is the same one. 02:09 PM</p> <p>8 Q. And this is a position you applied 02:09 PM</p> <p>9 for?</p> <p>10 A. Yes. 02:09 PM</p> <p>11 Q. O.K. Now, this one looks like it 02:10 PM</p> <p>12 changed the earlier list by adding Alice Rahemba.</p> <p>13 Is Alice black or white?</p> <p>14 A. She's white. 02:10 PM</p> <p>15 Q. O.K. Now, there are a number of white 02:10 PM</p> <p>16 persons listed here. Is Alice Rahemba -- she's</p> <p>17 junior to you, right?</p> <p>18 A. Yes. 02:10 PM</p> <p>19 Q. Are you claiming that Alice Rahemba 02:10 PM</p> <p>20 was given this position over you because of your</p> <p>21 race or because of some act of retaliation or both?</p> <p>22 A. It could be both, yes. 02:10 PM</p> <p>23 Q. Well, what are you claiming? Are you 02:10 PM</p> <p>24 claiming that she was given this position over you</p> <p>25 on account of your race or because of retaliation</p>	

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183	<p>1 Carol Melton</p> <p>2 A. I know what the process is supposed to 02:11 PM</p> <p>3 be.</p> <p>4 Q. All right. Did you file a grievance 02:11 PM</p> <p>5 about not getting this position?</p> <p>6 A. Yes, I did. 02:11 PM</p> <p>7 Q. What happened with that one? What 02:11 PM</p> <p>8 happened with it?</p> <p>9 We'll do it piece by piece. Did it 02:12 PM</p> <p>10 even get submitted at the first step?</p> <p>11 A. I don't remember if it went beyond the 02:12 PM</p> <p>12 first step, but I think it did. And if I remember</p> <p>13 correctly, when I made this claim about seniority</p> <p>14 being the most important factor, I included that</p> <p>15 they should have given Ms. Herman the position</p> <p>16 because she has more seniority, followed by me, and</p> <p>17 followed by the next senior person.</p> <p>18 Q. So did the grievance get submitted at, 02:12 PM</p> <p>19 I think Stage II would be the first step for that,</p> <p>20 did it go to Dr. Cook?</p> <p>21 A. I don't know. 02:12 PM</p> <p>22 Q. Did it go to the Board of Education? 02:12 PM</p> <p>23 A. I don't know that. 02:13 PM</p> <p>24 Q. Did your union support your position 02:13 PM</p> <p>25 at all on that subject?</p>	185
184	<p>1 Carol Melton</p> <p>2 A. I don't believe so, no. 02:13 PM</p> <p>3 Q. So the union did not take the position 02:13 PM</p> <p>4 that for this assignment seniority should be the</p> <p>5 determining factor, right? Right?</p> <p>6 A. I believe so, yes. 02:13 PM</p> <p>7 Q. And your position is that seniority is 02:13 PM</p> <p>8 the determining factor as a matter of the terms of</p> <p>9 the collective bargaining agreement, right?</p> <p>10 A. Seniority is the most important 02:13 PM</p> <p>11 factor.</p> <p>12 Q. You're saying that's required by the 02:13 PM</p> <p>13 collective bargaining agreement --</p> <p>14 A. Yes, it is. 02:13 PM</p> <p>15 Q. -- for this position. 02:13 PM</p> <p>16 MR. WATSON: Let her... 02:13 PM</p> <p>17 Q. I'm sorry. I thought you finished. 02:13 PM</p> <p>18 A. For extra-service/extra-assignment 02:13 PM</p> <p>19 positions.</p> <p>20 Q. Which this is. 02:13 PM</p> <p>21 A. Which this is. 02:13 PM</p> <p>22 Q. O.K. And your union has not agreed 02:13 PM</p> <p>23 with you on that, fair?</p> <p>24 A. No, they have not agreed with me. 02:13 PM</p> <p>25 Q. And except for the seniority issue, 02:13 PM</p>	186
	<p>1 Carol Melton</p> <p>2 except for the fact that you're senior so you</p> <p>3 believe contractually you should have gotten it, do</p> <p>4 you have any basis for claiming that the decision</p> <p>5 to give the position, the Teaching Assistant</p> <p>6 position to people between Bridges and Rahemba and</p> <p>7 not you was because of your race?</p> <p>8 A. Yes. 02:14 PM</p> <p>9 Q. What else besides the fact that you're 02:14 PM</p> <p>10 senior to them?</p> <p>11 A. The fact that Maryann Baker is not a 02:14 PM</p> <p>12 Teaching Assistant.</p> <p>13 Q. Well, then Ms. Herman should have 02:14 PM</p> <p>14 gotten that position over you, right?</p> <p>15 A. Or Shillingford. 02:14 PM</p> <p>16 Q. Well, Shillingford got the position. 02:14 PM</p> <p>17 A. Or anyone who is -- has less 02:14 PM</p> <p>18 seniority, but certainly --</p> <p>19 Q. So all -- 02:14 PM</p> <p>20 MR. WATSON: Let her finish. 02:14 PM</p> <p>21 Q. Go ahead. 02:14 PM</p> <p>22 A. -- but certainly needs to be a 02:14 PM</p> <p>23 certified Teaching Assistant.</p> <p>24 Q. So all these Teaching Assistants, the 02:14 PM</p> <p>25 ones who are listed as Teaching Assistants, are</p>	
	<p>1 Carol Melton</p> <p>2 they certified Teaching Assistants?</p> <p>3 A. No. 02:14 PM</p> <p>4 Q. Is Ms. Kraus a certified Teaching 02:14 PM</p> <p>5 Assistant?</p> <p>6 A. Are you talking about just a 02:14 PM</p> <p>7 substitute?</p> <p>8 Q. Yes, the ones that say substitutes. 02:14 PM</p> <p>9 A. O.K. So -- 02:14 PM</p> <p>10 Q. Other than Ms. Baker, on this list, 02:14 PM</p> <p>11 which is three pages in on Defendant's M, are any</p> <p>12 of them other than Baker not certified Teaching</p> <p>13 Assistants?</p> <p>14 A. That I am aware of? 02:15 PM</p> <p>15 Q. Yes. 02:15 PM</p> <p>16 A. Yes. 02:15 PM</p> <p>17 Q. Who else? 02:15 PM</p> <p>18 A. That, what are you saying, are not? 02:15 PM</p> <p>19 Q. Are not. 02:15 PM</p> <p>20 A. No, there's only her. 02:15 PM</p> <p>21 Q. So it's your position that everybody 02:15 PM</p> <p>22 who's listed as a sub should have the position over</p> <p>23 Ms. Baker, Right? Right?</p> <p>24 A. Anyone who has seniority. 02:15 PM</p> <p>25 Q. Well, would Ms. Baker have any 02:15 PM</p>	

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187	<p>1 Carol Melton</p> <p>2 seniority if she's not certified?</p> <p>3 A. She wouldn't have any. 02:15 PM</p> <p>4 Q. So everybody who is listed as a sub 02:15 PM</p> <p>5 would have more seniority than Ms. Baker, right?</p> <p>6 A. Yes. 02:15 PM</p> <p>7 Q. O.K. So all those people got 02:15 PM</p> <p>8 discriminated against as compared to Ms. Baker</p> <p>9 because they should have had the job instead of</p> <p>10 Ms. Baker?</p> <p>11 MR. WATSON: Objection. 02:15 PM</p> <p>12 Q. You can answer it. Yes? 02:15 PM</p> <p>13 A. Yes. If -- 02:15 PM</p> <p>14 Q. Are there white people among these 02:15 PM</p> <p>15 subs?</p> <p>16 A. Yes. 02:15 PM</p> <p>17 Q. Ms. Herman is one. 02:16 PM</p> <p>18 A. Yes. 02:16 PM</p> <p>19 Q. Ms. Kraus, is she one? 02:16 PM</p> <p>20 A. I believe so. 02:16 PM</p> <p>21 Q. Ms. Arnfield, is she white? 02:16 PM</p> <p>22 A. Yes. 02:16 PM</p> <p>23 Q. Ms. DeWitt? 02:16 PM</p> <p>24 A. Yes. 02:16 PM</p> <p>25 Q. Ms. Enciso, E-n-c-i-s-o? 02:16 PM</p>	189	<p>1 Carol Melton</p> <p>2 A. Yes, it's -- 02:17 PM</p> <p>3 Q. Well besides seniority, what basis do 02:17 PM</p> <p>4 you have? Did somebody say something to you to say</p> <p>5 this is raced-based? Did someone communicate to</p> <p>6 you, We're making this decision based on race?</p> <p>7 MR. WATSON: Objection. 02:17 PM</p> <p>8 Q. You can answer the question. 02:17 PM</p> <p>9 A. I have not had someone say to me, 02:17 PM</p> <p>10 communicate that to me.</p> <p>11 Q. All right. Well, you've got to have 02:17 PM</p> <p>12 something. If you claim that, apart from</p> <p>13 seniority, apart from that factor that it was</p> <p>14 race-based, you must have something besides the</p> <p>15 lack of seniority, the seniority issue to base it</p> <p>16 on, and I'm waiting to hear what you have to base</p> <p>17 it on other than the seniority issue. Tell me.</p> <p>18 A. Out of title. 02:17 PM</p> <p>19 Q. That's Miss Baker? 02:17 PM</p> <p>20 A. That's correct. 02:17 PM</p> <p>21 Q. And that applied to everybody who's a 02:17 PM</p> <p>22 Teaching Assistant sub, including white people,</p> <p>23 right?</p> <p>24 A. I can't speak to that. 02:17 PM</p> <p>25 Q. Right. I know you can't. 02:17 PM</p>
188	<p>1 Carol Melton</p> <p>2 A. No. 02:16 PM</p> <p>3 Q. She's black? 02:16 PM</p> <p>4 A. She's Hispanic. 02:16 PM</p> <p>5 Q. Hispanic? Do you think she was 02:16 PM</p> <p>6 discriminated against based upon her Hispanic</p> <p>7 origin because Ms. Baker got the position rather</p> <p>8 than her?</p> <p>9 A. I don't know. 02:16 PM</p> <p>10 Q. Do you believe that's the case? 02:16 PM</p> <p>11 A. I don't know that answer. 02:16 PM</p> <p>12 Q. O.K. Well, you don't know that you 02:16 PM</p> <p>13 didn't get it because of your race either, do you?</p> <p>14 A. I know that my seniority, I have more 02:16 PM</p> <p>15 senior seniority over these individuals.</p> <p>16 Q. Other than seniority, we keep doing 02:16 PM</p> <p>17 this. I understand your position on seniority,</p> <p>18 although apparently your union doesn't agree with</p> <p>19 you --</p> <p>20 MR. WATSON: Objection. 02:16 PM</p> <p>21 Q. -- according to you. Other than 02:16 PM</p> <p>22 seniority, if you take seniority out of the mix, do</p> <p>23 you have any basis for claiming that you didn't get</p> <p>24 a Teaching Assistant jobs, putting aside Ms. Baker</p> <p>25 for the moment, because of your race? Any basis?</p>	190	<p>1 Carol Melton</p> <p>2 All right. Apart from Ms. Baker not 02:18 PM</p> <p>3 being certified, which affects like eight or nine</p> <p>4 people, and apart from the seniority issue which</p> <p>5 your union didn't agree with you on --</p> <p>6 MR. WATSON: Objection. 02:18 PM</p> <p>7 Q. -- do you have something else? 02:18 PM</p> <p>8 A. I have that which is -- says that if 02:18 PM</p> <p>9 you're not a Teaching Assistant, you should not --</p> <p>10 Q. That's -- 02:18 PM</p> <p>11 MR. WATSON: Let her finish. 02:18 PM</p> <p>12 A. If you're not a Teaching Assistant 02:18 PM</p> <p>13 certified, you should not have a Teaching Assistant</p> <p>14 position. It should go by seniority when they</p> <p>15 chose two white individuals and they added</p> <p>16 Rahemba's name on there, because she previously</p> <p>17 wasn't on the first list. So the amendment is</p> <p>18 showing that whoever made the decision knowingly</p> <p>19 added a person with less seniority.</p> <p>20 Q. Other than what you just told me, for 02:18 PM</p> <p>21 what it's worth --</p> <p>22 MR. WATSON: Objection. 02:19 PM</p> <p>23 Q. -- do you have any information, apart 02:19 PM</p> <p>24 from the seniority claim you keep asserting and</p> <p>25 apart from the Ms. Baker issue, that you had a</p>

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191	<p>1 Carol Melton</p> <p>2 right to a Teaching Assistant position job and were</p> <p>3 denied it because of your race?</p> <p>4 A. I believe I had a right to a position 02:19 PM</p> <p>5 if I'm a certified Teaching Assistant.</p> <p>6 Q. And what information do you possess 02:19 PM</p> <p>7 that leads you to believe that it was your race</p> <p>8 other than the fact that Ms Baker wasn't a</p> <p>9 certified Teaching Assistant and you're senior to</p> <p>10 some of the people who got Teaching Assistant</p> <p>11 positions? What else do you have, if anything?</p> <p>12 A. That's what I have right now. 02:19 PM</p> <p>13 Q. That's what you have as of June 28, 02:19 PM</p> <p>14 2018, that's your testimony?</p> <p>15 A. Yes, that's what I have up till now. 02:19 PM</p> <p>16 Q. O.K. 02:19 PM</p> <p>17 The next page is the Credit Recovery 02:20 PM</p> <p>18 Program at Poughkeepsie High School. Is that a</p> <p>19 position that you applied for?</p> <p>20 A. Yes. 02:20 PM</p> <p>21 Q. Now that went to Clarissa 02:20 PM</p> <p>22 Banks-Whitaker, according to this, right?</p> <p>23 A. Yes. 02:20 PM</p> <p>24 Q. Are you claiming that you were 02:20 PM</p> <p>25 entitled to this position over her?</p>	193	<p>1 Carol Melton</p> <p>2 with the EEOC?</p> <p>3 A. I'm not claiming anything. I'm 02:21 PM</p> <p>4 just -- I asked --</p> <p>5 Q. Excuse me. Excuse me. You are 02:21 PM</p> <p>6 claiming a lot. This whole action is about your</p> <p>7 claims.</p> <p>8 You have identified this position in 02:21 PM</p> <p>9 your list as a position that you were denied. What</p> <p>10 I want to know is, you now know that this was given</p> <p>11 to a person of your same race who's senior to you.</p> <p>12 Are you still claiming you were denied your</p> <p>13 position on account of your race or in retaliation</p> <p>14 for your EEOC complaint? Yes or no.</p> <p>15 MR. WATSON: Objection. 02:22 PM</p> <p>16 Q. Fine. Answer the question. 02:22 PM</p> <p>17 A. I'm claiming that the information I 02:22 PM</p> <p>18 requested was for all the positions I applied for.</p> <p>19 Q. This is one of them, right? 02:22 PM</p> <p>20 A. Yes. But it -- 02:22 PM</p> <p>21 Q. And this position that you applied 02:22 PM</p> <p>22 for, you -- I want to know if you're withdrawing</p> <p>23 your claim. Are you still claiming that the</p> <p>24 position that Ms. Banks-Whitaker got is one you</p> <p>25 should have gotten. Yes or no.</p>
192	<p>1 Carol Melton</p> <p>2 A. I applied for it. 02:20 PM</p> <p>3 Q. I know you applied for it. We're only 02:20 PM</p> <p>4 dealing with ones you applied for.</p> <p>5 Ms. Clarissa Banks-Whitaker is number 02:20 PM</p> <p>6 four on the seniority list.</p> <p>7 A. That's correct. 02:20 PM</p> <p>8 Q. What's her race, by the way? 02:20 PM</p> <p>9 A. I believe she's black. 02:20 PM</p> <p>10 Q. So the district apparently appointed a 02:20 PM</p> <p>11 black Teaching Assistant senior to you for the</p> <p>12 Credit Recovery Program Teaching Assistant</p> <p>13 position. Are you still claiming that your denial</p> <p>14 of this position was because of your race or was in</p> <p>15 retaliation for your complaint to the EEOC?</p> <p>16 A. I don't know if this one was, in 02:21 PM</p> <p>17 particular.</p> <p>18 Q. So you wouldn't be claiming this one 02:21 PM</p> <p>19 was.</p> <p>20 MR. WATSON: Objection. 02:21 PM</p> <p>21 Q. This position, page 1 of 1 on the -- 02:21 PM</p> <p>22 which is four pages in on Defendant's M, am I</p> <p>23 correct that you are not claiming you were denied</p> <p>24 that position on account of your race or in</p> <p>25 retaliation for your having filed the complaint</p>	194	<p>1 Carol Melton</p> <p>2 A. What I'm claiming -- 02:22 PM</p> <p>3 Q. Yes or no. It's simple. Are you 02:22 PM</p> <p>4 claiming that or not?</p> <p>5 A. Ms. Clarissa Banks-Whitaker received 02:22 PM</p> <p>6 this position because she has more seniority than</p> <p>7 me.</p> <p>8 Q. Do you know what the basis they used 02:22 PM</p> <p>9 to give this position to her was? Were you</p> <p>10 involved in that decision?</p> <p>11 A. No, I was not. 02:22 PM</p> <p>12 Q. You're speculating about why she was 02:22 PM</p> <p>13 given it, are you not?</p> <p>14 A. I didn't say -- 02:23 PM</p> <p>15 Q. You don't know for a fact why she was 02:23 PM</p> <p>16 chosen, do you? You only know why you believe she</p> <p>17 was chosen, correct? Correct?</p> <p>18 A. I can only say the reasons why you 02:23 PM</p> <p>19 apply for a position and what it says in our</p> <p>20 contract.</p> <p>21 Q. You've told me about your contract. 02:23 PM</p> <p>22 You also told me your union doesn't agree with your</p> <p>23 interpretation. So I want to deal with what your</p> <p>24 claims are.</p> <p>25 All I want you to tell me is, are you 02:23 PM</p>

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195	<p>1 Carol Melton</p> <p>2 still claiming that you were denied this position,</p> <p>3 the one that Ms. Banks-Whitaker got on account of</p> <p>4 your race? It's a simple question. Are you</p> <p>5 claiming that or are you not claiming that?</p> <p>6 A. I'm saying that Clarissa Banks was a 02:23 PM</p> <p>7 union member --</p> <p>8 MR. RUSHFIELD: Can you direct 02:23 PM</p> <p>9 the witness to answer my question,</p> <p>10 please. This is outrageous, and I'm</p> <p>11 going to have to make a sanctions</p> <p>12 application because she won't answer my</p> <p>13 questions.</p> <p>14 MR. WATSON: Counselor, please 02:23 PM</p> <p>15 stop yelling. You have been yelling, and</p> <p>16 I don't know what effect that has or what</p> <p>17 effect you intend it to have on the</p> <p>18 witness, but she's not --</p> <p>19 MR. RUSHFIELD: Counsel, this is 02:23 PM</p> <p>20 my yelling.</p> <p>21 MR. WATSON: I don't want to 02:24 PM</p> <p>22 hear your yelling.</p> <p>23 MR. RUSHFIELD: The reason I 02:24 PM</p> <p>24 consented to moving this case over to</p> <p>25 today was because I knew she needed to</p>	197	<p>1 Carol Melton</p> <p>2 And if I'm sounding loud, 02:24 PM</p> <p>3 because this is extremely frustrating,</p> <p>4 and I think you can see why it would be.</p> <p>5 Now either I'll continue and 02:25 PM</p> <p>6 she'll answer the questions I ask her,</p> <p>7 and if you want to ask her questions,</p> <p>8 that's fine, or else I'm going to get to</p> <p>9 a position here where this gets so</p> <p>10 intolerable that I'm going to present</p> <p>11 this transcript to the magistrate judge</p> <p>12 and ask for this case to be dismissed.</p> <p>13 I've never had to go through 02:25 PM</p> <p>14 this before with anybody, even a pro se</p> <p>15 plaintiff who represented herself.</p> <p>16 MR. WATSON: Counsel. 02:25 PM</p> <p>17 MR. RUSHFIELD: She wants to 02:25 PM</p> <p>18 argue. I don't want argument. I want</p> <p>19 answers to My questions. That's what I'm</p> <p>20 entitled to.</p> <p>21 MR. WATSON: I don't agree that 02:25 PM</p> <p>22 she's trying to argue, but I think it</p> <p>23 would be helpful. Why don't we just</p> <p>24 take --</p> <p>25 MR. RUSHFIELD: Why don't you take a 02:25 PM</p>
196	<p>1 Carol Melton</p> <p>2 have counsel present. Counsel has a role</p> <p>3 here besides simply objecting to form.</p> <p>4 Counsel is an officer of the court, he's</p> <p>5 expected to require the person he</p> <p>6 represents to actually answer the</p> <p>7 questions she's asked. I have throughout</p> <p>8 this deposition had to ask her the same</p> <p>9 question multiple times, struggling to</p> <p>10 get simple answers to relatively simple</p> <p>11 questions like what's your claim.</p> <p>12 Now if you want to take a break, 02:24 PM</p> <p>13 that's fine. But I want her to answer</p> <p>14 the questions I ask her. I'm entitled to</p> <p>15 that.</p> <p>16 MR. WATSON: I understand, 02:24 PM</p> <p>17 Counselor. I do not believe she's</p> <p>18 intending to be difficult. She's trying</p> <p>19 to answer the question. We can take a</p> <p>20 break and we can just --</p> <p>21 MR. RUSHFIELD: I'm asking yes 02:24 PM</p> <p>22 or no questions. I want yes or no</p> <p>23 answers unless she really can't answer</p> <p>24 them way, and this is clearly one she</p> <p>25 should.</p>	198	<p>1 Carol Melton</p> <p>2 few minutes.</p> <p>3 MR. WATSON: -- a minute or two -- 02:25 PM</p> <p>4 MR. RUSHFIELD: Go right ahead. 02:25 PM</p> <p>5 MR. WATSON: -- just to 02:25 PM</p> <p>6 regroup --</p> <p>7 MR. RUSHFIELD: Go right ahead. 02:25 PM</p> <p>8 MR. WATSON: -- and we'll come 02:25 PM</p> <p>9 back.</p> <p>10 MR. RUSHFIELD: Go right ahead. 02:25 PM</p> <p>11 Why don't you take a moment.</p> <p>12 (Whereupon, there is a recess 02:25 PM</p> <p>13 taken.)</p> <p>14 BY MR. RUSHFIELD: 02:38 PM</p> <p>15 Q. Let's stay on the same document and 02:38 PM</p> <p>16 let's move beyond the one that we were just on</p> <p>17 'cause I think we pretty much covered that.</p> <p>18 The next one on this document after 02:38 PM</p> <p>19 the Clarissa Banks-Whitaker appointment for the</p> <p>20 Credit Recovery Program Teaching Assistant position</p> <p>21 was a Teaching Assistant position for the Summer</p> <p>22 School Poughkeepsie High School and Poughkeepsie</p> <p>23 Middle School Registration. Did you apply for that</p> <p>24 position?</p> <p>25 A. What was that position you said again? 02:38 PM</p>

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199	<p>1 Carol Melton</p> <p>2 Q. We were dealing with Clarissa 02:38 PM</p> <p>3 Banks-Whitaker. The next page is the position of</p> <p>4 Summer School Poughkeepsie High School and</p> <p>5 Poughkeepsie Middle School Registration, it's an</p> <p>6 extra-assignment position.</p> <p>7 Did you apply for that position? 02:39 PM</p> <p>8 A. I don't recollect applying for that. 02:39 PM</p> <p>9 Q. O.K., we'll move on. 02:39 PM</p> <p>10 The next page -- well, actually it 02:39 PM</p> <p>11 would be two pages because there was an amendment.</p> <p>12 Two pages from that deals with an August 10, 2016</p> <p>13 meeting, extra-assignment position for Summer</p> <p>14 Academy at Morse School. This is for the summer of</p> <p>15 2016 -- well for part of the summer of 2016. Did</p> <p>16 you apply for that position?</p> <p>17 A. No, I don't remember applying for that 02:39 PM</p> <p>18 one.</p> <p>19 Q. O.K. In any event, Sarah Herman got 02:39 PM</p> <p>20 it and she's senior to you, right?</p> <p>21 A. Yes. 02:39 PM</p> <p>22 Q. O.K. 02:39 PM</p> <p>23 A. Not the substitute. 02:39 PM</p> <p>24 Q. The next page after that -- well, 02:39 PM</p> <p>25 two-pages after that is a position of --</p>	201	<p>1 Carol Melton</p> <p>2 which would be Poughkeepsie Middle School, an</p> <p>3 Elementary Summer Academy Teaching Assistant for</p> <p>4 July 25, 2017 through July 27, 2017. Did you apply</p> <p>5 for that?</p> <p>6 A. Oh, we're on this page here? Oh, the 02:41 PM</p> <p>7 submission.</p> <p>8 Q. Did you apply for that position or for 02:41 PM</p> <p>9 either of positions, apparently one --</p> <p>10 A. Oh, O.K. 02:41 PM</p> <p>11 Q. -- elementary and one middle school? 02:41 PM</p> <p>12 A. Right. I was being looking for what 02:41 PM</p> <p>13 program it was.</p> <p>14 Q. And did you apply for this position? 02:41 PM</p> <p>15 A. Yes. 02:41 PM</p> <p>16 Q. Either of these positions? 02:41 PM</p> <p>17 A. Yes. 02:41 PM</p> <p>18 Q. Did you apply for the elementary one 02:41 PM</p> <p>19 or the middle school one or both?</p> <p>20 A. I believe the elementary one. 02:41 PM</p> <p>21 Q. And that was granted to Sarah Herman, 02:41 PM</p> <p>22 right? Right? That's what it says.</p> <p>23 A. Yes. 02:41 PM</p> <p>24 Q. Right. And Sarah Herman is senior to 02:41 PM</p> <p>25 you, right?</p>
200	<p>1 Carol Melton</p> <p>2 MR. WATSON: Counsel, we're not 02:39 PM</p> <p>3 on the same page so...</p> <p>4 MR. RUSHFIELD: It's going to 02:39 PM</p> <p>5 be -- the top left corner is going to be</p> <p>6 dated 6/20/2016. It's a meeting of April</p> <p>7 25, 2017 -- I'm sorry, it's a 2018 date</p> <p>8 on the top, which is a printing date.</p> <p>9 MR. WATSON: Mm-hmm. 02:40 PM</p> <p>10 MR. RUSHFIELD: Meeting of 02:40 PM</p> <p>11 April 25th, 2017, Resolution 17-0274,</p> <p>12 Para-Professional Extra-Assignment</p> <p>13 Appointments.</p> <p>14 MR. WATSON: It's past this 02:40 PM</p> <p>15 page, I think.</p> <p>16 Q. It has Shannon Muse as the first name. 02:40 PM</p> <p>17 MR. WATSON: Right. 02:40 PM</p> <p>18 Q. Followed by Dennis Dean. 02:40 PM</p> <p>19 A. O.K. 02:40 PM</p> <p>20 Q. Did you apply for the position at 02:40 PM</p> <p>21 Summer Academy at Poughkeepsie High School?</p> <p>22 A. No, I did not. 02:40 PM</p> <p>23 Q. O.K. Moving on. 02:40 PM</p> <p>24 The next one it looks like has a 02:40 PM</p> <p>25 Submission Checklist on the top and looks like PMS,</p>	202	<p>1 Carol Melton</p> <p>2 A. Yes. 02:41 PM</p> <p>3 Q. So am I correct that you wouldn't be 02:41 PM</p> <p>4 claiming that Ms. Herman got that position over you</p> <p>5 on account of your race or retaliation, right?</p> <p>6 A. No. 02:41 PM</p> <p>7 Q. You're agreeing with me, you're not 02:41 PM</p> <p>8 making a retaliation or race claim about not</p> <p>9 getting that position, right?</p> <p>10 A. No. 02:42 PM</p> <p>11 Q. Are you disagreeing with me or 02:42 PM</p> <p>12 agreeing with me? Listen to the question. It may</p> <p>13 be because of the way I'm phrasing it.</p> <p>14 Let me put it to you this way. Are 02:42 PM</p> <p>15 you claiming that you did not get the position that</p> <p>16 Ms. Herman got of Teaching Assistant/Elementary</p> <p>17 that's listed on this page because of your race?</p> <p>18 A. I am not claiming that she got that 02:42 PM</p> <p>19 position because of my race.</p> <p>20 Q. O.K. And you're not claiming that she 02:42 PM</p> <p>21 got that position because of some retaliation</p> <p>22 against you, correct? Right?</p> <p>23 A. I don't know. 02:42 PM</p> <p>24 Q. All right. 02:42 PM</p> <p>25 A. I don't know. 02:42 PM</p>

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203	<p>1 Carol Melton</p> <p>2 Q. The next page. Para-Professional 02:42 PM</p> <p>3 Extra-Assignment Appointments, Poughkeepsie Middle</p> <p>4 School and Elementary Summer Academy, July 5, 2017</p> <p>5 through July 27, 2017. Same position. Let's see.</p> <p>6 This seems to be the same position.</p> <p>7 But, in any event, Ms. Herman is 02:43 PM</p> <p>8 listed as getting it. This is a position you</p> <p>9 applied for, right?</p> <p>10 A. I can't be sure. 02:43 PM</p> <p>11 Q. O.K. In any event, if you had applied 02:43 PM</p> <p>12 for it, you would have been applying for the</p> <p>13 elementary position, right?</p> <p>14 A. Sometimes. 02:43 PM</p> <p>15 Q. Well, do you recall applying for a 02:43 PM</p> <p>16 middle school Teaching Assistant position at the</p> <p>17 Poughkeepsie Middle School for the Poughkeepsie</p> <p>18 Middle School Summer Academy?</p> <p>19 A. I don't think it was summer. It might 02:43 PM</p> <p>20 have been spring.</p> <p>21 Q. This is the summer one. 02:43 PM</p> <p>22 Proctors, we don't need to talk about 02:43 PM</p> <p>23 that.</p> <p>24 The last page of this document was a 02:44 PM</p> <p>25 Summer School -- Extra-Assignment position for</p>	205	<p>1 Carol Melton</p> <p>2 document on its face talks about the 21st Century</p> <p>3 Community Learning Centers After-School and</p> <p>4 Saturday Programs. That's the one you applied for</p> <p>5 in 2015-2016 and 2016-2017, right?</p> <p>6 A. Yes. 02:46 PM</p> <p>7 Q. O.K. That's the one we talked about 02:46 PM</p> <p>8 earlier?</p> <p>9 A. Yes. 02:46 PM</p> <p>10 Q. O.K. I don't need to go through the 02:46 PM</p> <p>11 positions there. We have already done that.</p> <p>12 Let me see how many pages we have to 02:46 PM</p> <p>13 go in. Seven pages in. Seven pages in?</p> <p>14 A. Oh. Counting the first page? 02:47 PM</p> <p>15 Q. Counting the first page as number one. 02:47 PM</p> <p>16 This has a Submission Checklist at the beginning.</p> <p>17 This says it's for the Krieger Before School</p> <p>18 Computer Program for December, 2015 to June, 2016.</p> <p>19 Did you apply for this program?</p> <p>20 A. I'm not sure. I might have. 02:47 PM</p> <p>21 Q. All right. This is a program that was 02:47 PM</p> <p>22 awarded to Sharon Bridges. First of all, is Sharon</p> <p>23 Bridges a Teaching Assistant at Krieger?</p> <p>24 A. I -- I really don't know. 02:47 PM</p> <p>25 Q. That's O.K. If you don't know, you 02:47 PM</p>
204	<p>1 Carol Melton</p> <p>2 Summer School Poughkeepsie High School and</p> <p>3 Poughkeepsie Middle School Registration effective</p> <p>4 June 30, 2015 through July 2, 2015, and that was</p> <p>5 given to Dennis Dean. Did you apply for that</p> <p>6 position?</p> <p>7 A. No, I don't recall. 02:44 PM</p> <p>8 Q. No? 02:44 PM</p> <p>9 A. No, I don't recall applying for it. 02:44 PM</p> <p>10 Q. O.K. Moving on from that one. 02:44 PM</p> <p>11 MR. RUSHFIELD: Whatever I'm up 02:44 PM</p> <p>12 to. I lose track.</p> <p>13 (Whereupon, Defendant's 02:44 PM</p> <p>14 Exhibit O, packet of Poughkeepsie City</p> <p>15 School District Board of Education</p> <p>16 documents, 26 pages, is marked for</p> <p>17 identification, as of this date.)</p> <p>18 Q. Showing you what's been marked as O. 02:45 PM</p> <p>19 MR. WATSON: Do you have a copy 02:45 PM</p> <p>20 for me?</p> <p>21 MR. RUSHFIELD: I'm sorry. I'm 02:45 PM</p> <p>22 sure I do. I have three of everything.</p> <p>23 Are you sure?</p> <p>24 MR. WATSON: I have it. 02:46 PM</p> <p>25 Q. Let's just make sure I'm clear. The 02:46 PM</p>	206	<p>1 Carol Melton</p> <p>2 don't know?</p> <p>3 Sharon Bridges, though, is senior to 02:47 PM</p> <p>4 you, right?</p> <p>5 A. Yes. 02:47 PM</p> <p>6 Q. So if you applied to your position, 02:47 PM</p> <p>7 according to your interpretation of the collective</p> <p>8 bargaining agreement, she would have been entitled</p> <p>9 to it over you, right?</p> <p>10 A. Yes. 02:48 PM</p> <p>11 Q. I see Shillingford, though, is a 02:48 PM</p> <p>12 substitute. Would you have been entitled to her</p> <p>13 substitute position on account of your seniority if</p> <p>14 seniority was the rule --</p> <p>15 A. Yes. 02:48 PM</p> <p>16 Q. -- when you applied? 02:48 PM</p> <p>17 And Ms. Shillingford, you said, was 02:48 PM</p> <p>18 African-American like you.</p> <p>19 A. Yes. 02:48 PM</p> <p>20 Q. O.K. 02:48 PM</p> <p>21 A. But I don't know if she was at 02:48 PM</p> <p>22 Krieger.</p> <p>23 Q. I understand. The next page is the 02:48 PM</p> <p>24 resolution for the 21st Century Community Learning</p> <p>25 Centers After-School and Saturdays Programs</p>

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207	<p>1 Carol Melton</p> <p>2 Teaching Assistants for the 2016-2017, and we went</p> <p>3 through some of this already. It lists who got the</p> <p>4 positions. I don't think we need to go through</p> <p>5 that again. Let's move on.</p> <p>6 21st Century. 21st Century. I just 02:49 PM</p> <p>7 want to make sure I'm not asking the same thing</p> <p>8 again.</p> <p>9 O.K. The next page after we get 02:49 PM</p> <p>10 through the 21st Century is Submission Checklist</p> <p>11 for Consent Agenda Item and it's for the program</p> <p>12 dates November 2008, 2016 to June 10, 2017, Krieger</p> <p>13 Before School Computer Program. Let me know when</p> <p>14 you're there.</p> <p>15 A. Yes, I'm there. 02:49 PM</p> <p>16 Q. O.K. Did you apply for this position? 02:49 PM</p> <p>17 A. I don't -- I don't recall if I did -- 02:50 PM</p> <p>18 Q. O.K. 02:50 PM</p> <p>19 A. -- for this specific position. 02:50 PM</p> <p>20 Q. Anyway you wouldn't have any objection 02:50 PM</p> <p>21 to the concept -- if you had applied for it, you</p> <p>22 wouldn't have any objection to Ms. Bridges getting</p> <p>23 the assignment; she's senior to you, right?</p> <p>24 A. Yes. 02:50 PM</p> <p>25 Q. And also, she, from what we saw a 02:50 PM</p>	209
208	<p>1 Carol Melton</p> <p>2 moment ago, she had the assignment prior year --</p> <p>3 not the prior year or the prior period, right?</p> <p>4 A. Yes, that's what it indicated. 02:50 PM</p> <p>5 Q. O.K. Here's something new, all right. 02:50 PM</p> <p>6 You have to get to the Submission 02:50 PM</p> <p>7 Checklist for Consent Agenda Items for the</p> <p>8 Program/Initiative Name Extended Learning Time and</p> <p>9 Before/After-School Programs - Teaching Assistant.</p> <p>10 Do you see that one?</p> <p>11 A. Yes. 02:50 PM</p> <p>12 Q. Did you apply for this position? 02:50 PM</p> <p>13 A. Yes. 02:50 PM</p> <p>14 Q. Are you claiming in this case that you 02:50 PM</p> <p>15 were denied this position on account of your race</p> <p>16 or retaliation for having filed an EEOC charge?</p> <p>17 MR. WATSON: Objection. 02:51 PM</p> <p>18 A. Yes. 02:51 PM</p> <p>19 Q. But actually these program dates are 02:51 PM</p> <p>20 relating to the 2017-2018 school year, right?</p> <p>21 A. Yes. 02:51 PM</p> <p>22 Q. All right. You understand that's 02:51 PM</p> <p>23 beyond the scope of your complaint?</p> <p>24 A. I don't understand that. 02:51 PM</p> <p>25 MR. RUSHFIELD: Actually, she 02:51 PM</p>	210
	<p>1 Carol Melton</p> <p>2 was told that By Judge Smith, but that's</p> <p>3 all right. We know what we know.</p> <p>4 MR. WATSON: Yes. 02:51 PM</p> <p>5 MR. RUSHFIELD: Anyway, I'm not 02:51 PM</p> <p>6 going to ask about things that are beyond</p> <p>7 the scope of the complaint.</p> <p>8 Q. Here we go, O.K. Let me see how many 02:51 PM</p> <p>9 pages we have to go further back. From the</p> <p>10 Submission Checklist page that we were just talking</p> <p>11 about, you have to go back four pages to an Agenda</p> <p>12 Item Details for June 22, 2016.</p> <p>13 A. Before this page? 02:52 PM</p> <p>14 Q. I don't know what page you're looking 02:52 PM</p> <p>15 at.</p> <p>16 A. You said the Submission Checklist for 02:52 PM</p> <p>17 Consent Agenda Items.</p> <p>18 Q. Beyond that, after that page. 02:52 PM</p> <p>19 A. After that page. 02:52 PM</p> <p>20 Q. Right. It has Agenda Meeting Details 02:52 PM</p> <p>21 for a meeting June 22, 2016, so it's for the</p> <p>22 Extended School Year Program with Students with</p> <p>23 Disabilities at Morse School. The first name</p> <p>24 listed is Sharon Bridges.</p> <p>25 A. O.K. It's not July 5th, 2016? 02:52 PM</p>	

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211	<p>1 Carol Melton</p> <p>2 2015 and through August 14, 2015, that was</p> <p>3 defendant's M.</p> <p>4 This one is for July 5, 2016, 02:53 PM</p> <p>5 extending through August 12th 2016. It looks like</p> <p>6 the same people got the positions but it's a</p> <p>7 different school year. O.K.?</p> <p>8 A. O.K. I can't 'cause I don't have the 02:54 PM</p> <p>9 reference.</p> <p>10 Q. Let me show you Defendant's M. 02:54 PM</p> <p>11 A. It looks like the same one. 02:54 PM</p> <p>12 Q. Let me show you Defendant's M. 02:54 PM</p> <p>13 A. I don't know if it's the same one. 02:54 PM</p> <p>14 Q. Look at the first page of 02:54 PM</p> <p>15 Defendant's M.</p> <p>16 A. Oh, it was this one. I think that, 02:54 PM</p> <p>17 yeah, it was a different number. That's what I was</p> <p>18 confused...</p> <p>19 Q. And so, let's just make sure we're on 02:54 PM</p> <p>20 the same page. You acknowledge, do you not, that</p> <p>21 the same seven people who got Teaching Assistant</p> <p>22 positions for the Extended School Year Program for</p> <p>23 Students with Disabilities at Morse School,</p> <p>24 effective July 5, 2016, are the same ones that in</p> <p>25 Defendant's M got it for July of 2015?</p>	213
212	<p>1 Carol Melton</p> <p>2 A. Yes, it's the same. 02:55 PM</p> <p>3 Q. O.K., great. 02:55 PM</p> <p>4 Is there some practice in the school 02:55 PM</p> <p>5 district of people who had the position the prior</p> <p>6 school year get it the next school year unless</p> <p>7 something untoward happens?</p> <p>8 A. Yes. 02:55 PM</p> <p>9 Q. So these people, under that practice, 02:55 PM</p> <p>10 these people would have had the right to the</p> <p>11 position for this school year because they served</p> <p>12 it in a prior school year, right?</p> <p>13 A. Yes. 02:55 PM</p> <p>14 Q. Why don't you give me Defendant's M 02:55 PM</p> <p>15 back, the old one, so I can give it back to here.</p> <p>16 If we go three pages from the back of 02:56 PM</p> <p>17 the document, from the back of Defendant's O;</p> <p>18 counting back from the back, three pages forward.</p> <p>19 A. From the back? 02:56 PM</p> <p>20 Q. This appears to reflect that for the 02:56 PM</p> <p>21 same program, the same disabilities at Morse School</p> <p>22 Teaching Assistant program, two names were added,</p> <p>23 this one is dated later than the earlier one, and</p> <p>24 that was Danielle Atkins and Sarah Herman.</p> <p>25 Is Ms. Atkins Caucasian, black or some 02:56 PM</p>	214
	<p>1 Carol Melton</p> <p>2 other race?</p> <p>3 A. She's black. 02:56 PM</p> <p>4 Q. And Ms. Herman, we know is Caucasian. 02:56 PM</p> <p>5 It looks like they were added to this 02:56 PM</p> <p>6 list to extend the number of people, but you</p> <p>7 remained as a Teaching Assistant sub. Is</p> <p>8 Ms. Atkins senior to you or junior to you?</p> <p>9 A. Junior. 02:57 PM</p> <p>10 Q. So I see there's more than one Atkins, 02:57 PM</p> <p>11 isn't there?</p> <p>12 A. Yes. 02:57 PM</p> <p>13 Q. O.K. If Ms Atkins is junior to you, 02:57 PM</p> <p>14 what it looks like is the district assigned an</p> <p>15 African-American Teaching Assistant and a Caucasian</p> <p>16 Teaching Assistant to this list. The Caucasian</p> <p>17 assistant, Ms. Herman, is senior to you; the</p> <p>18 African-American one is junior to you.</p> <p>19 Are you claiming that this had 02:57 PM</p> <p>20 something to do with your race or retaliation for</p> <p>21 your filing the EEOC complaint?</p> <p>22 A. Yes. 02:57 PM</p> <p>23 Q. Which one or both? 02:57 PM</p> <p>24 A. Both. 02:57 PM</p> <p>25 Q. Well, choosing Ms. Atkins over you 02:57 PM</p>	

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215	<p>1 Carol Melton</p> <p>2 MR. WATSON: Objection. If I 02:58 PM</p> <p>3 could just clarify. You're asking a</p> <p>4 compound question. You're asking about</p> <p>5 discrimination and retaliation, in the</p> <p>6 same sentence.</p> <p>7 MR. RUSHFIELD: No. Actually 02:59 PM</p> <p>8 I'm not. I've severed it out. I'll do</p> <p>9 it again. Not a problem.</p> <p>10 Q. I'm not asking about retaliation, 02:59 PM</p> <p>11 'cause you said it was both. Leaving the</p> <p>12 retaliation issue aside, because that one I'll get</p> <p>13 into, but at least I can fathom it.</p> <p>14 Are you making a claim of race 02:59 PM</p> <p>15 discrimination with regard to Ms. Atkins, who is</p> <p>16 junior to you, getting a Teaching Assistant</p> <p>17 position as per this June 21, 2017 regular meeting</p> <p>18 action, which is three pages from the back of</p> <p>19 Defendant's O? Are you making a race claim about</p> <p>20 that?</p> <p>21 A. No, I'm not making a race claim about 02:59 PM</p> <p>22 that.</p> <p>23 Q. So you're making a retaliation claim 02:59 PM</p> <p>24 about that, right?</p> <p>25 A. Yes. 02:59 PM</p>	217	<p>1 Carol Melton</p> <p>2 retaliatory?</p> <p>3 A. Yes. 03:00 PM</p> <p>4 Q. What other basis do you have? 03:00 PM</p> <p>5 A. She was added new to the list. 03:00 PM</p> <p>6 Q. We know this. 03:00 PM</p> <p>7 A. Right. 03:00 PM</p> <p>8 Q. But you're saying she was added new to 03:00 PM</p> <p>9 the list in retaliation -- and you're added instead of</p> <p>10 her in retaliation. What information do you have</p> <p>11 that it was retaliatory other than your claim about</p> <p>12 seniority and your claim about Ms. Baker not being</p> <p>13 certified? Do you have anything else?</p> <p>14 A. I was trying to explain it. 03:01 PM</p> <p>15 Q. Do you have any other information? 03:01 PM</p> <p>16 That's my question.</p> <p>17 A. Other than she was added there and the 03:01 PM</p> <p>18 previous people had applied and were on the sub</p> <p>19 list and they should have -- her name did not show</p> <p>20 up before --</p> <p>21 Q. That's correct. 03:01 PM</p> <p>22 A. -- as a sub. So it should have 03:01 PM</p> <p>23 subsequently, just like Ms. Herman's name moved up</p> <p>24 the list as she received the position.</p> <p>25 Q. Right. But Ms. Herman, you're saying, 03:01 PM</p>
216	<p>1 Carol Melton</p> <p>2 Q. Other than the fact that you claim 02:59 PM</p> <p>3 that you have seniority entitlement over Ms. Atkins</p> <p>4 and some of these others, right, because we've</p> <p>5 dealt with seniority? I understand your position.</p> <p>6 Other than the fact that you're senior 02:59 PM</p> <p>7 to them, do you have any other basis for claiming</p> <p>8 this is retaliation? And putting aside Maryann</p> <p>9 Baker's certification status; you told me that,</p> <p>10 too.</p> <p>11 Putting aside Maryann Baker's 03:00 PM</p> <p>12 certification status and putting aside the</p> <p>13 seniority claim you make, do you have any other</p> <p>14 basis for claiming that Ms. Atkins was placed as a</p> <p>15 Teaching Assistant and you remained a sub other</p> <p>16 than -- I'm sorry, do you have any basis for</p> <p>17 claiming that was retaliation?</p> <p>18 If it's not seniority and if seniority 03:00 PM</p> <p>19 isn't the issue, because you've explained to me, we</p> <p>20 have been round about with regard to that, if</p> <p>21 seniority is not the issue and Maryann Baker's not</p> <p>22 being certified as a Teaching Assistant isn't the</p> <p>23 issue, putting those aside, do you have any basis</p> <p>24 for claiming that this decision to place Ms. Atkins</p> <p>25 as a Teaching Assistant and not you was</p>	218	<p>1 Carol Melton</p> <p>2 would have been entitled to it based on her</p> <p>3 seniority.</p> <p>4 A. But I'm saying -- I'm sorry. What I'm 03:01 PM</p> <p>5 saying is she wasn't before. She was on the sub</p> <p>6 list and then she moved up the list.</p> <p>7 Q. Ms. Atkins. 03:01 PM</p> <p>8 A. No, Ms. Herman. 03:01 PM</p> <p>9 Q. O.K. 03:01 PM</p> <p>10 A. So she got the position. 03:01 PM</p> <p>11 Q. Mm-hmm. 03:01 PM</p> <p>12 A. So then, to correct, then, the next 03:02 PM</p> <p>13 subsequent person who has seniority would go and</p> <p>14 move up the list. I see that --</p> <p>15 Q. How many people on this list have 03:02 PM</p> <p>16 seniority over Ms. Atkins? How many people on the</p> <p>17 sub list have seniority over Ms. Atkins?</p> <p>18 A. I don't know. Let's see. 03:02 PM</p> <p>19 On the sub? 03:02 PM</p> <p>20 Q. Yes. On the sub list, how many people 03:02 PM</p> <p>21 are more senior than Danielle Atkins?</p> <p>22 A. Ms. McKitty. 03:02 PM</p> <p>23 Q. O.K. Yourself. 03:02 PM</p> <p>24 A. Myself. 03:02 PM</p> <p>25 Q. In fact, Ms. McKitty has -- are those 03:03 PM</p>

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219	<p>1 Carol Melton</p> <p>2 the only two? Let's deal with that.</p> <p>3 A. Well, I -- maybe I'm overlooking, but 03:03 PM</p> <p>4 I don't see --</p> <p>5 Q. Are those the only two you've noticed? 03:03 PM</p> <p>6 A. Oh, no. I see Nanetti. 03:03 PM</p> <p>7 Q. O.K. 03:03 PM</p> <p>8 A. She seems to be above Atkins, 03:03 PM</p> <p>9 Ms. Danielle Atkins.</p> <p>10 Q. O.K. So we have three so far, right? 03:03 PM</p> <p>11 A. Right. I believe the others are all 03:03 PM</p> <p>12 juniors.</p> <p>13 Q. Ms. Nanetti, is she black or white? 03:03 PM</p> <p>14 A. I don't know. 03:03 PM</p> <p>15 Q. You don't know her. 03:03 PM</p> <p>16 Ms. McKitty, is she black or white? 03:03 PM</p> <p>17 A. I think she's black. Yeah, she's 03:03 PM</p> <p>18 black.</p> <p>19 Q. And Ms. Atkins is black, right? 03:03 PM</p> <p>20 A. Yes. 03:03 PM</p> <p>21 Q. All right. So there are at least 03:03 PM</p> <p>22 three of you who, if seniority was the judge, would</p> <p>23 claim seniority entitlement to the position that</p> <p>24 Ms. Atkins was given, correct?</p> <p>25 A. Yes. They have more seniority than 03:04 PM</p>	221
220	<p>1 Carol Melton</p> <p>2 her.</p> <p>3 Q. They have more seniority. 03:04 PM</p> <p>4 Apart from -- and so we have both 03:04 PM</p> <p>5 white and black people who were replaced by</p> <p>6 Ms. Atkins, who were taken -- or Ms. Atkins was</p> <p>7 given preference for.</p> <p>8 MR. WATSON: Objection. 03:04 PM</p> <p>9 Q. What I'm trying to find out is apart 03:04 PM</p> <p>10 from your claim that your seniority gave you</p> <p>11 entitlement to the position that Ms. Atkins got or</p> <p>12 apart from the fact that she wasn't on the list, do</p> <p>13 you have anything else that would support your</p> <p>14 claim that your not getting this position was</p> <p>15 because of retaliation for your EEOC complaint?</p> <p>16 Anything else?</p> <p>17 A. Not at this time. 03:05 PM</p> <p>18 Q. Now, Ms. McKitty is senior to you, 03:05 PM</p> <p>19 right?</p> <p>20 A. I think -- 03:05 PM</p> <p>21 Q. She's No. 14 on the list. 03:05 PM</p> <p>22 A. Yes. 03:05 PM</p> <p>23 Q. You're 19. 03:05 PM</p> <p>24 A. Yes, she is. 03:05 PM</p> <p>25 Q. And Ms. McKitty, I think you told me, 03:05 PM</p>	222
	<p>1 Carol Melton</p> <p>2 is black?</p> <p>3 A. Yes. 03:05 PM</p> <p>4 Q. And she didn't get it either. Did 03:05 PM</p> <p>5 Ms. McKitty file an EEOC complaint?</p> <p>6 A. I have no idea. I don't know. 03:05 PM</p> <p>7 Q. So you don't know of any acts of 03:05 PM</p> <p>8 retaliation as against Ms. McKitty being involved</p> <p>9 here.</p> <p>10 A. I don't know. 03:05 PM</p> <p>11 Q. The next page and the page that 03:05 PM</p> <p>12 follows relates to Teaching Assistant for Extended</p> <p>13 Learning Time and Before and After-School Program</p> <p>14 at Clinton, Krieger, Morse, Warring and</p> <p>15 Poughkeepsie Middle School -- withdraw that. This</p> <p>16 is for the 2017-2018 school year. I'm not asking</p> <p>17 about that.</p> <p>18 All right, you can hand me that back. 03:05 PM</p> <p>19 MR. RUSHFIELD: P. 03:06 PM</p> <p>20 (Whereupon, Defendant's 03:06 PM</p> <p>21 Exhibit P, Packet of Poughkeepsie City</p> <p>22 School District Board of Education</p> <p>23 documents, 13 pages, is marked for</p> <p>24 identification, as of this date.)</p> <p>25 Q. Ms. Melton, I'm showing you 03:07 PM</p>	

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223	<p>1 Carol Melton</p> <p>2 Q. The first page, according to the 03:08 PM</p> <p>3 document, it says Ms. Herman got the Morse</p> <p>4 position. Now, if this is a claim in your action,</p> <p>5 then you're claiming that Ms. Herman -- I'm sorry.</p> <p>6 The document says that Ms. Bridges got the middle</p> <p>7 school position. Is Ms. Bridges in the middle</p> <p>8 school? Is that where she works?</p> <p>9 A. No. 03:09 PM</p> <p>10 Q. Where does she work? 03:09 PM</p> <p>11 A. I know she don't work in the middle 03:09 PM</p> <p>12 school. I believe she works at Krieger.</p> <p>13 Q. Was that the case in the 2016-2017 03:09 PM</p> <p>14 school year?</p> <p>15 A. I said I believe. I'm not -- 03:09 PM</p> <p>16 Q. You're not certain? 03:09 PM</p> <p>17 A. -- quite certain. I'm not quite 03:09 PM</p> <p>18 certain but I -- she...</p> <p>19 Q. O.K. Both Ms. Herman and Ms. Bridges 03:09 PM</p> <p>20 were senior to you, correct?</p> <p>21 A. Yes. 03:09 PM</p> <p>22 Q. All right. In fact, it lists you as a 03:09 PM</p> <p>23 substitute. Is that what happened for the Spring</p> <p>24 Break Academies at Morse, effective March 21, 2016,</p> <p>25 that you were listed as the substitute and</p>	225	<p>1 Carol Melton</p> <p>2 actually. I withdraw that.</p> <p>3 Q. The two are for the same position but 03:10 PM</p> <p>4 one is dated February 24th, 2016 and the other one</p> <p>5 is March 9, 2016, right? The first page is</p> <p>6 March 9th, 2016; the earlier page is February 24th,</p> <p>7 2016. Do you see that?</p> <p>8 A. For the meeting date -- 03:10 PM</p> <p>9 Q. Yes. 03:10 PM</p> <p>10 A. -- yes. 03:10 PM</p> <p>11 Q. So it looks like they changed it from 03:10 PM</p> <p>12 February to March for the assignments, to rearrange</p> <p>13 them, having them switch places.</p> <p>14 A. Yeah, that appears to be so because 03:11 PM</p> <p>15 it's the same resolution.</p> <p>16 Q. Yes, O.K. 03:11 PM</p> <p>17 A. 16-912. 03:11 PM</p> <p>18 Q. I have a document that talks about the 03:11 PM</p> <p>19 change but it really isn't necessary. All right.</p> <p>20 Let's see what else we've got.</p> <p>21 O.K., here we go. Three pages into 03:11 PM</p> <p>22 this document is the position of Elementary and</p> <p>23 Middle School Break -- I'm sorry. Elementary and</p> <p>24 Middle School Spring Break Academies at Morse and</p> <p>25 Poughkeepsie Middle School, and according to this</p>
224	<p>1 Carol Melton</p> <p>2 Ms. Herman and Ms. Bridges got the positions?</p> <p>3 A. Yes, that's what it's saying. 03:09 PM</p> <p>4 Q. Now, is it your claim that they got 03:09 PM</p> <p>5 the positions over you because of your race?</p> <p>6 A. No, I'm not. 03:09 PM</p> <p>7 Q. Are you claiming that they got the 03:09 PM</p> <p>8 positions over you in retaliation for your filing</p> <p>9 of the EEOC complaint in December of 2015?</p> <p>10 A. No, not for this position. 03:09 PM</p> <p>11 Q. O.K. 03:09 PM</p> <p>12 A. Not at this time. 03:09 PM</p> <p>13 Q. Let's move on to the next page, see if 03:10 PM</p> <p>14 it's the same thing. It looks like it's the same</p> <p>15 thing.</p> <p>16 A. No, it's a little different. It 03:10 PM</p> <p>17 actually says Sharon Bridges was given the position</p> <p>18 at Morse.</p> <p>19 Q. Oh, for Morse and Herman PMS, you're 03:10 PM</p> <p>20 right.</p> <p>21 And, in fact, I have a correction 03:10 PM</p> <p>22 page.</p> <p>23 MR. RUSHFIELD: So why don't we 03:10 PM</p> <p>24 mark it as Q and then we'll explain it.</p> <p>25 As a matter of fact, I don't have to,</p>	226	<p>1 Carol Melton</p> <p>2 document, you got the Spring Break Academy at the</p> <p>3 middle school. Did that happen?</p> <p>4 This was effective date of appointment 03:11 PM</p> <p>5 February 24, 2016, commencing March 21, 2016</p> <p>6 through March 24, 2016, it's a three-day program.</p> <p>7 Did you get the assignment to the Poughkeepsie</p> <p>8 Middle School Teaching Assistant for the Spring</p> <p>9 Break Academy?</p> <p>10 A. I don't recollect this. 03:12 PM</p> <p>11 Q. I'm sorry? 03:12 PM</p> <p>12 A. I don't remember this. 03:12 PM</p> <p>13 Q. Well, are you denying that you got the 03:12 PM</p> <p>14 Teaching Assistant position for the Spring Break</p> <p>15 Academy for March 21, 2016 to March 24, 2016?</p> <p>16 A. I'm not denying that on this paper 03:12 PM</p> <p>17 that I'm reading that it states that --</p> <p>18 Q. I know -- 03:12 PM</p> <p>19 A. -- I was appointed. 03:12 PM</p> <p>20 Q. I didn't ask you if you're denying 03:12 PM</p> <p>21 that it states that. It obviously states that.</p> <p>22 The question is, it's \$878, did you 03:12 PM</p> <p>23 get the position?</p> <p>24 A. I don't remember doing it, that's -- 03:12 PM</p> <p>25 that's what I'm trying to say.</p>

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227	<p>1 Carol Melton</p> <p>2 Q. Do you recall declining a position or 03:12 PM</p> <p>3 becoming sick for a position?</p> <p>4 A. No, I'm not saying that I declined it 03:12 PM</p> <p>5 or not. What I am trying to say is that, for</p> <p>6 example, a position could be posted and you got</p> <p>7 appointed but for some reason or another, it</p> <p>8 doesn't actually happen because it still depends on</p> <p>9 the enrollment.</p> <p>10 Q. So there could have been essentially a 03:13 PM</p> <p>11 rescission of all the appointments for that because</p> <p>12 they may not have had the amount of students they</p> <p>13 needed?</p> <p>14 A. Yes. 03:13 PM</p> <p>15 Q. O.K. 03:13 PM</p> <p>16 A. And I can't -- don't recollect this. 03:13 PM</p> <p>17 Q. Let me change my question, then. 03:13 PM</p> <p>18 Do you recall being notified that you 03:13 PM</p> <p>19 got this appointment, the one for the PMS Teaching</p> <p>20 Assistant for Spring Break Academy.</p> <p>21 A. I don't remember. 03:13 PM</p> <p>22 Q. O.K. If you got such an appointment, 03:13 PM</p> <p>23 though, it would reflect, at least in that case,</p> <p>24 you weren't subject to either retaliation or race</p> <p>25 discrimination, right?</p>	229	<p>1 Carol Melton</p> <p>2 marked as Defendant's Q, Ms. Melton. This appears</p> <p>3 to be a statement and letterhead of appointments on</p> <p>4 June 30, 2016 for the ESY. Do you know what ESY</p> <p>5 stands for?</p> <p>6 A. Yes. 03:16 PM</p> <p>7 Q. What is that? 03:16 PM</p> <p>8 A. Extended school year. 03:16 PM</p> <p>9 Q. O.K. So we get to at the bottom of 03:16 PM</p> <p>10 the first page, it starts with Teaching Assistants,</p> <p>11 and it has a number of names, and then it has</p> <p>12 Substitute Teaching Assistants where your name is</p> <p>13 the first name that appears.</p> <p>14 Do you have a claim in this case that 03:17 PM</p> <p>15 you were denied extended school year Teaching</p> <p>16 Assistant appointment for the period after June 30,</p> <p>17 2016 either on account of your race or in</p> <p>18 retaliation for your filing of the EEOC complaint?</p> <p>19 A. Yes. 03:17 PM</p> <p>20 Q. And in terms of the Teaching 03:17 PM</p> <p>21 Assistants who got appointed, some of them are</p> <p>22 senior to you and some of them are junior to you;</p> <p>23 is that correct?</p> <p>24 A. Yes. 03:17 PM</p> <p>25 Q. O.K. And in terms of the substitute 03:17 PM</p>
228	<p>1 Carol Melton</p> <p>2 A. I don't know. 03:13 PM</p> <p>3 Q. O.K. The next one is for the same 03:13 PM</p> <p>4 program for March 26th to March 29th. It looks</p> <p>5 like they run these in three-day segments. In this</p> <p>6 case, and this one appears to follow the other one,</p> <p>7 basically with a two-day break.</p> <p>8 Hold on. I may be wrong. I am wrong. 03:14 PM</p> <p>9 This is for the 2018 school year. I don't need</p> <p>10 that. 2018 school year. Let me see if there's</p> <p>11 anything else in here.</p> <p>12 I'll ask -- no, that's O.K. I don't 03:14 PM</p> <p>13 need anything else on this document. You can</p> <p>14 return it to me.</p> <p>15 MR. RUSHFIELD: Q. 03:16 PM</p> <p>16 (Whereupon, Defendant's 03:16 PM</p> <p>17 Exhibit Q, 6/30/16 and 6/13/16</p> <p>18 memoranda indicating names of</p> <p>19 staff members for ESY, 000226-29</p> <p>20 and 000048-51, respectively, and</p> <p>21 6/13-6/20/16 emails, 000180,</p> <p>22 000190-191 and 00296, is marked</p> <p>23 for identification, as of this</p> <p>24 date.)</p> <p>25 Q. I show you a document that we've 03:16 PM</p>	230	<p>1 Carol Melton</p> <p>2 teaching assignments, there are people on this</p> <p>3 list, some of whom are senior to people on the</p> <p>4 full-time assignments and some of whom are junior</p> <p>5 to the people on the full-time assignments, right?</p> <p>6 A. It appears to be, yes. 03:18 PM</p> <p>7 Q. We can use, for example, number eight 03:18 PM</p> <p>8 in the list who got Teaching Assistant assignments</p> <p>9 is you did Danielle Atkins. We've dealt with her</p> <p>10 before.</p> <p>11 In the substitute teaching 03:18 PM</p> <p>12 assignments, you are senior to Ms. Atkins convince,</p> <p>13 right?</p> <p>14 A. Yes. 03:18 PM</p> <p>15 Q. Sarah Herman is senior to Ms. Atkins, 03:18 PM</p> <p>16 right?</p> <p>17 A. Yes. 03:18 PM</p> <p>18 Q. Ms. Nanetti, I think you told me, is 03:18 PM</p> <p>19 senior to Ms. Atkins, right?</p> <p>20 A. Yes, to Danielle Atkins. 03:18 PM</p> <p>21 Q. Well, that's who we're dealing with. 03:18 PM</p> <p>22 A. There's two Atkinses. 03:18 PM</p> <p>23 Q. I know that. 03:18 PM</p> <p>24 A. Oh. 03:18 PM</p> <p>25 Q. In fact, on this list, it looks like 03:18 PM</p>

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231	<p>1 Carol Melton</p> <p>2 the first name for Teaching Assistants is</p> <p>3 Dionnedra, D-i-o-n-n-e-d-r-a, who appears to be the</p> <p>4 senior one, right?</p> <p>5 Dionnedra is the senior Atkins, 03:18 PM</p> <p>6 correct?</p> <p>7 A. Yes, she's the senior Atkins. 03:19 PM</p> <p>8 Q. So, we have, am I correct, that we 03:19 PM</p> <p>9 have both African-American and Caucasian people who</p> <p>10 are listed as substitute Teaching Assistants who</p> <p>11 are senior to some of the persons who were given</p> <p>12 the full-time Teaching Assistant assignments for</p> <p>13 the extended school year 2016, right?</p> <p>14 A. Yes. 03:19 PM</p> <p>15 Q. O.K. Again, other than the issue of 03:19 PM</p> <p>16 seniority, which I understand your position, and</p> <p>17 other than the fact that Maryann Baker, who is not</p> <p>18 certified, is also listed here again, do you have</p> <p>19 any other basis for claiming that it was a matter</p> <p>20 of either race or retaliation?</p> <p>21 A. And you mentioned Alice Rahemba as 03:19 PM</p> <p>22 well?</p> <p>23 Q. She's also junior to you, right? 03:19 PM</p> <p>24 A. Right, yes. 03:19 PM</p> <p>25 Q. I understand that. There are a number 03:19 PM</p>	233
232	<p>1 Carol Melton</p> <p>2 of people who are on the Teaching Assistant list</p> <p>3 who are junior to you, right?</p> <p>4 A. Yes. 03:19 PM</p> <p>5 Q. My question remains the same. Putting 03:19 PM</p> <p>6 aside seniority, we've been through all that,</p> <p>7 putting aside Maryann Baker's status, do you have</p> <p>8 any basis for arguing that this was a matter of</p> <p>9 retaliation or discrimination? Is there any other</p> <p>10 basis you have other than the fact that Ms. Baker</p> <p>11 is not certified and you're senior to some of these</p> <p>12 people? Do you have anything else?</p> <p>13 A. In addition to retaliation? 03:20 PM</p> <p>14 Q. Or retaliation. 03:20 PM</p> <p>15 A. O.K. 03:20 PM</p> <p>16 Q. For your retaliation claim -- 03:20 PM</p> <p>17 A. O.K. 03:20 PM</p> <p>18 Q. -- you filed the EEOC complaint 03:20 PM</p> <p>19 December of 2015, right?</p> <p>20 A. Yes. 03:20 PM</p> <p>21 Q. And you didn't get this position. 03:20 PM</p> <p>22 A. Yes. 03:20 PM</p> <p>23 Q. And putting aside seniority and 03:20 PM</p> <p>24 Ms. Baker's status, are there any other facts that</p> <p>25 you can give me that support a claim of</p>	234

1 Carol Melton

2 retaliation?

3 A. No, not at this time. 03:20 PM

4 Q. O.K. These pages are numbered which 03:20 PM

5 will make it easier.

6 O.K., page 48, it's a few pages in. 03:20 PM

7 A. On the bottom? 03:21 PM

8 Q. On the bottom. The numbers are on the 03:21 PM

9 bottom.

10 A. This one? 03:21 PM

11 Q. Keep going, you'll find the page that 03:21 PM

12 says 48.

13 A. O.K. 03:21 PM

14 Q. With me? 03:21 PM

15 A. Yes. 03:21 PM

16 Q. O.K. It looks like actually this was 03:21 PM

17 amended by the later one, so we don't need to go

18 through that. Let me see if there's anything else.

19 No, thank goodness. You can give me that back.

20 For any of the Teaching Assistant -- 03:22 PM

21 let me see if I can shortcut this. For any

22 Teaching Assistant position that you claim you

23 should have gotten except for retaliation or race

24 discrimination, do you have any information that

25 supports a claim of retaliation or race

1 Carol Melton

2 discrimination other than the fact that people who

3 were -- that Caucasian people junior to you --

4 withdraw that. Do it again.

5 For any of these Teaching Assistant 03:22 PM

6 positions that you applied for in 2015-2016 and

7 2016-2017 that you were denied and that people

8 junior to you got appointed, other than the fact

9 that they were either junior to you or, like

10 Ms. Baker were not certified, do you have any other

11 information that supports a claim of either race

12 discrimination or retaliation?

13 A. Now, Mr. Rushfield, I really 03:23 PM

14 understood what you said, but it was a lot, and it

15 sounded like there was like --

16 Q. I'll do it a third time. 03:23 PM

17 A. -- a few questions there. 03:23 PM

18 Q. I'll do it a third time. 03:23 PM

19 A. Maybe I'm mistaken. 03:23 PM

20 Q. I'll do it a third time, it's not a 03:23 PM

21 problem.

22 A. O.K. 03:23 PM

23 Q. I mean, I can go through these to some 03:23 PM

24 extent one by one, which I've been kind of doing,

25 but I would be asking this question each time

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235	<p>1 Carol Melton</p> <p>2 anyway, so I just want to know.</p> <p>3 We went through on Defendant's L a 03:23 PM</p> <p>4 list of Teaching Assistant positions that you say</p> <p>5 were denied to you either on account of race or on</p> <p>6 account of retaliation for your filing of the EEOC</p> <p>7 complaint, O.K.? Are you with me on that?</p> <p>8 A. Yes. 03:24 PM</p> <p>9 Q. That is, in fact, your claim with 03:24 PM</p> <p>10 regard to Teaching Assistant positions that you</p> <p>11 were denied during those two school years, right?</p> <p>12 A. Yes. 03:24 PM</p> <p>13 Q. I've asked you almost the same 03:24 PM</p> <p>14 question with regard to each one we have gone</p> <p>15 through, which is, other than the fact that you had</p> <p>16 people who were junior to you appointed to Teaching</p> <p>17 Assistant positions where you, let's say didn't get</p> <p>18 the position or just a sub, other than seniority,</p> <p>19 them being junior to you, or Ms. Baker's situation</p> <p>20 of her not being certified, do you have any other</p> <p>21 factual support for a claim that the decision of</p> <p>22 the district not to appoint you was because of your</p> <p>23 race or in retaliation for your EEOC complaint?</p> <p>24 A. I -- I -- no, because I don't know why 03:24 PM</p> <p>25 the decision the district made to place those</p>	237	<p>1 Carol Melton</p> <p>2 Q. Sure. 03:28 PM</p> <p>3 A. O.K. So this is in front of me a 03:29 PM</p> <p>4 grievance regarding the district placing as a</p> <p>5 substitute a non-employee, non-certified, and</p> <p>6 out-of-title individual to fill an opening that is</p> <p>7 designated for a Teaching Assistant.</p> <p>8 Q. Yes, I can read all that. I mean, 03:29 PM</p> <p>9 that much I can tell from looking at it.</p> <p>10 A. Mm-hmm. 03:29 PM</p> <p>11 Q. Who was the non-employee? 03:29 PM</p> <p>12 A. I believe the name was Mona Henley. 03:29 PM</p> <p>13 Q. H-e-n-l-e-y? 03:30 PM</p> <p>14 A. H-e-n-l-e-y. 03:30 PM</p> <p>15 Q. O.K. And is this a Teaching Assistant 03:30 PM</p> <p>16 position we're talking about?</p> <p>17 A. Yes. 03:30 PM</p> <p>18 Q. So where did the district place this 03:30 PM</p> <p>19 person as a substitute?</p> <p>20 A. I -- I don't remember the position but 03:30 PM</p> <p>21 as you were going through paperwork I saw it.</p> <p>22 Q. Is this a position that you applied 03:30 PM</p> <p>23 for and that you wanted?</p> <p>24 A. I have to look at the position. 03:30 PM</p> <p>25 Q. Well, I don't know which position 03:30 PM</p>
236	<p>1 Carol Melton</p> <p>2 people in that position or moved them off the sub</p> <p>3 list into those positions.</p> <p>4 Q. O.K. Have you finished your answer? 03:25 PM</p> <p>5 'Cause I understand what you're telling me. ?</p> <p>6 A. Yeah, other than what I've claimed. 03:25 PM</p> <p>7 Q. I understand. O.K. 03:25 PM</p> <p>8 MR. RUSHFIELD: R. 03:27 PM</p> <p>9 (Whereupon, Defendant's 03:27 PM</p> <p>10 Exhibit R, 6/30/15 one-page</p> <p>11 Official Grievance Form with</p> <p>12 attached 7/13/16 Stage II</p> <p>13 Response, 000080-81, and 8/12/15</p> <p>14 Stage III Response, 000072, is</p> <p>15 marked for identification, as of</p> <p>16 this date.)</p> <p>17 Q. I'm showing you, Ms. Melton, what 03:28 PM</p> <p>18 we've marked as Defendant's R. The first page of</p> <p>19 Defendant's R is an official grievance form. Does</p> <p>20 that bear your signature?</p> <p>21 A. Yes. 03:28 PM</p> <p>22 Q. Can you tell me what your grievance 03:28 PM</p> <p>23 was in this case? Can you explain to me who and</p> <p>24 what this involved?</p> <p>25 A. Let me just get a moment to read it. 03:28 PM</p>	238	<p>1 Carol Melton</p> <p>2 you're referring to here.</p> <p>3 A. It was for -- is it on here? In any 03:30 PM</p> <p>4 event, it's an extra-assignment position.</p> <p>5 Q. Extra-assignment. What was it? 03:30 PM</p> <p>6 A. Right. So -- 03:30 PM</p> <p>7 Q. There's a reference, I can tell you, 03:30 PM</p> <p>8 in the second page of the Cook letter, which is</p> <p>9 Bates number 81, to a Summer Enrichment Program.</p> <p>10 He talks about a Summer Enrichment Program.</p> <p>11 Was it a Summer Enrichment Program 03:31 PM</p> <p>12 that this related to?</p> <p>13 A. I'm sorry. Where are you at? 03:31 PM</p> <p>14 MR. WATSON: On the next page. 03:31 PM</p> <p>15 Q. In the Cook letter -- 03:31 PM</p> <p>16 A. Oh, O.K. 03:31 PM</p> <p>17 Q. -- on the second page, he's talking 03:31 PM</p> <p>18 about claims relating to the Summer Enrichment</p> <p>19 Program.</p> <p>20 A. Oh, yes, I see what he's saying. 03:31 PM</p> <p>21 Q. Does that help you in terms of 03:31 PM</p> <p>22 discovering what assignment this was?</p> <p>23 A. It's hard to determine because of -- 03:31 PM</p> <p>24 oh, it actually says their name, the person's name.</p> <p>25 Q. What's the name given? 03:31 PM</p>

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239	<p>1 Carol Melton</p> <p>2 A. It just has Mrs. Henley. 03:31 PM</p> <p>3 Q. Oh, O.K., the last paragraph, O.K. 03:31 PM</p> <p>4 A. Yes. 03:31 PM</p> <p>5 Q. Of Cook's letter. 03:31 PM</p> <p>6 A. Right. 03:31 PM</p> <p>7 Q. O.K. So is this a position you 03:31 PM</p> <p>8 applied for?</p> <p>9 A. I'm not sure. 03:31 PM</p> <p>10 Q. The one that was given to Ms. Henley? 03:31 PM</p> <p>11 A. I -- I don't remember. 03:31 PM</p> <p>12 Q. So the complaint about Ms. Henley 03:31 PM</p> <p>13 getting this position in this case, that, as far as</p> <p>14 you can recall, you don't have a recollection of</p> <p>15 that relating to a denial to you of a Teaching</p> <p>16 Assistant position in the Summer Enrichment</p> <p>17 Program, for example?</p> <p>18 A. I don't remember what? 03:32 PM</p> <p>19 Q. Why did you file the grievance? 03:32 PM</p> <p>20 A. Why did I file -- because -- 03:32 PM</p> <p>21 Q. Why were you the one who filed it? 03:32 PM</p> <p>22 Because I see Ms. Herman, who was the union rep who</p> <p>23 filed it, but why were you the employee who filed</p> <p>24 it? Why were you affected?</p> <p>25 A. If I did, and I don't recollect if I 03:32 PM</p>	241
240	<p>1 Carol Melton</p> <p>2 applied for this position, then I would have been</p> <p>3 put on as a substitute instead of this person.</p> <p>4 Q. And was Ms. Henley put on as a sub -- 03:32 PM</p> <p>5 oh, so this was about getting the sub -- we've had</p> <p>6 these assignments, Teaching Assistant positions,</p> <p>7 and then we've these sub listings.</p> <p>8 A. That's correct. 03:32 PM</p> <p>9 Q. In almost every case we've dealt with 03:32 PM</p> <p>10 up to now the issue was if you were listed, you</p> <p>11 were on the sub list; that was the problem.</p> <p>12 Is this a situation where you were not 03:33 PM</p> <p>13 on the sub list but Ms. Henley was?</p> <p>14 A. Yes, that would be a case -- 03:33 PM</p> <p>15 Q. O.K. 03:33 PM</p> <p>16 A. -- if not me, someone else. 03:33 PM</p> <p>17 Q. Well, wait. That last part throws me. 03:33 PM</p> <p>18 Were you on the sub list that 03:33 PM</p> <p>19 Ms. Henley's name was on?</p> <p>20 A. There's only her name on the sub list. 03:33 PM</p> <p>21 Q. O.K., we've seen that, for example, 03:33 PM</p> <p>22 where there's only one sub listed. And when her</p> <p>23 name was removed, according to this her name was</p> <p>24 removed in July of 2016, and it says we'll appoint</p> <p>25 another employee to the position, to the sub list,</p>	242
	<p>1 Carol Melton</p> <p>2 I guess. Was somebody else placed on the sub list</p> <p>3 in Ms. Henley's place?</p> <p>4 A. I don't recall. 03:33 PM</p> <p>5 Q. Do you recall if your name was placed 03:33 PM</p> <p>6 on the sub list to replace Ms. Henley?</p> <p>7 A. I don't recall. 03:33 PM</p> <p>8 Q. Now, according to the grievance 03:33 PM</p> <p>9 decision by Dr. Cook and the Board of Ed decision,</p> <p>10 which is the last page of this document, they both</p> <p>11 say seniority is not applicable to the Summer</p> <p>12 Enrichment Program. They also say it doesn't have</p> <p>13 to be performed -- extra work assignments during</p> <p>14 the summer don't have to be performed by Teaching</p> <p>15 Assistants, and the Board --</p> <p>16 A. Where does it say that? 03:34 PM</p> <p>17 Q. That was Dr. Cook's position in his 03:34 PM</p> <p>18 letter.</p> <p>19 MR. WATSON: And which page were 03:34 PM</p> <p>20 you on?</p> <p>21 Q. That was stated on the first page of 03:34 PM</p> <p>22 Dr. Cook's letter, page Bates stamped 80. He</p> <p>23 states that "Neither provision states that extra</p> <p>24 work assignments during the summer can only be</p> <p>25 performed by Teaching Assistants or that an extra</p>	

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243	<p>1 Carol Melton</p> <p>2 position, I gather you would not agree with, right?</p> <p>3 A. Well, that's not the only thing that 03:36 PM</p> <p>4 Article IX states.</p> <p>5 Q. O.K. But you -- 03:36 PM</p> <p>6 A. Seniority is just the first word 03:36 PM</p> <p>7 that's there.</p> <p>8 Q. But my question to you simply is, did 03:36 PM</p> <p>9 this grievance go to arbitration? It either did or</p> <p>10 it didn't.</p> <p>11 A. No, it did not go to arbitration. 03:36 PM</p> <p>12 Q. You can give me that. 03:36 PM</p> <p>13 MR. RUSHFIELD: S. 03:36 PM</p> <p>14 (Whereupon, Defendant's 03:36 PM</p> <p>15 Exhibit S, 6/29/16 one-page Official</p> <p>16 Grievance Form, 7/13/16 Stage II</p> <p>17 Response, 000082-83, is marked for</p> <p>18 identification, as of this date.)</p> <p>19 Q. Ms. Melton, I'm showing you a document 03:37 PM</p> <p>20 that's been marked as Defendant's S. It's</p> <p>21 constituted of an Official Grievance Form by Sarah</p> <p>22 Herman, it does not have your signature, and a</p> <p>23 decision by Dr. Cook.</p> <p>24 Were you aware of this grievance being 03:37 PM</p> <p>25 filed?</p>	245	<p>1 Carol Melton</p> <p>2 Ms. Henley is not an employee of the district in</p> <p>3 any capacity.</p> <p>4 Q. Well, there's no reference to 03:40 PM</p> <p>5 Ms. Baker in the decision. Oh, there is, wait a</p> <p>6 minute. O.K.</p> <p>7 There is an allegation here about 03:40 PM</p> <p>8 there was apparently an attempt to remove Rahemba</p> <p>9 or Baker from the ESY program, right? Right?</p> <p>10 A. I'm sorry, repeat that again. 03:40 PM</p> <p>11 Q. If you look at Cook's decision -- 03:40 PM</p> <p>12 A. On which page? 03:40 PM</p> <p>13 Q. The first page. 03:40 PM</p> <p>14 A. O.K. 03:40 PM</p> <p>15 Q. It talks about the non-certified, 03:40 PM</p> <p>16 out-of-title individual, which apparently you're</p> <p>17 telling me is Ms. Baker, placed another out of</p> <p>18 seniority, and failed to fill a third opening with</p> <p>19 a Teaching Assistant. It says in that first</p> <p>20 paragraph the union also complains that Alice</p> <p>21 Rahemba, a Certified Teaching Assistant, did not</p> <p>22 work in the program in the previous year and should</p> <p>23 not be it allowed to work in it this year.</p> <p>24 Now, was there a claim that 03:41 PM</p> <p>25 Ms. Rahemba should not have been assigned a</p>
244	<p>1 Carol Melton</p> <p>2 A. Just give me a moment. I'm just 03:38 PM</p> <p>3 reading it.</p> <p>4 Q. Go ahead. 03:38 PM</p> <p>5 A. It states it's a class action, I 03:38 PM</p> <p>6 think. Yes, I remember this.</p> <p>7 Q. O.K. So can you tell me the 03:38 PM</p> <p>8 underlying circumstances involving this grievance?</p> <p>9 What was it about other than what it says?</p> <p>10 A. This was a class action made in regard 03:38 PM</p> <p>11 to the district putting -- hiring a non-certified</p> <p>12 or out-of-title individual and another that was out</p> <p>13 of seniority and then failed to fill the third</p> <p>14 position with a Teaching Assistant.</p> <p>15 Q. Did this one also involve Ms. Henley? 03:39 PM</p> <p>16 A. I don't -- I don't think so. 03:39 PM</p> <p>17 Q. The reason is, is because in 03:39 PM</p> <p>18 Dr. Cook's decision, he talks about this being an</p> <p>19 ESY program, at the end he says the district will</p> <p>20 appoint another employee to the position other than</p> <p>21 Ms. Henley.</p> <p>22 So did this involve Ms. Henley as 03:39 PM</p> <p>23 well? Would that be the non-certified,</p> <p>24 out-of-title individual?</p> <p>25 A. No. That could be Ms. Baker. 03:39 PM</p>	246	<p>1 Carol Melton</p> <p>2 position in the extended school year program?</p> <p>3 A. This is what this grievance is talking 03:41 PM</p> <p>4 about.</p> <p>5 Q. O.K. And was this a grievance that 03:41 PM</p> <p>6 you were involved in?</p> <p>7 A. This is a class action, so -- 03:41 PM</p> <p>8 Q. Were you involved in it, though? 03:41 PM</p> <p>9 A. Yes. 03:41 PM</p> <p>10 Q. O.K. And were you seeking to have a 03:41 PM</p> <p>11 position assigned to you rather than to Ms. Rahemba</p> <p>12 or Ms. Baker through this grievance, an ESY</p> <p>13 position?</p> <p>14 A. If I applied, yes. 03:41 PM</p> <p>15 Q. Well, I think one of the claims you 03:41 PM</p> <p>16 have in this case is that you were denied an ESY</p> <p>17 position, right?</p> <p>18 A. Yes. 03:41 PM</p> <p>19 Q. You claimed it was based on either -- 03:41 PM</p> <p>20 you're claiming in this action that it either race</p> <p>21 or in retaliation for filing the EEOC complaint,</p> <p>22 correct?</p> <p>23 A. Yes. 03:42 PM</p> <p>24 Q. So in this case a grievance was filed 03:42 PM</p> <p>25 about, among other things, Ms. Rahemba and</p>

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247	<p>1 Carol Melton</p> <p>2 Ms. Baker being assigned to the ESY program, right?</p> <p>3 A. That appears be what it's saying. 03:42 PM</p> <p>4 Q. They were assigned and you were made a 03:42 PM</p> <p>5 sub, right? Is that correct?</p> <p>6 A. Yeah, I believe this is -- 03:42 PM</p> <p>7 Q. O.K. And part of this grievance is 03:42 PM</p> <p>8 about the fact that you were a sub and they got the</p> <p>9 position, right?</p> <p>10 A. According to this grievance, it's -- 03:42 PM</p> <p>11 it's a few things --</p> <p>12 Q. Right, but one of the things -- 03:42 PM</p> <p>13 A. -- because of the -- 03:42 PM</p> <p>14 Q. I understand that. I'm trying to 03:42 PM</p> <p>15 focus on the thing that most directly affected</p> <p>16 you.</p> <p>17 A. Mm-hmm. 03:42 PM</p> <p>18 Q. One of the claims in this case, you 03:42 PM</p> <p>19 understand, is that you should have gotten a</p> <p>20 Teaching Assistant position rather than Ms. Baker</p> <p>21 or Ms. Rahemba in the Extended School Year Program,</p> <p>22 right?</p> <p>23 A. Yes. 03:42 PM</p> <p>24 Q. And the grievance was denied on the 03:42 PM</p> <p>25 grounds set forth -- I mean, you were claiming that</p>	249	<p>1 Carol Melton</p> <p>2 to the ESY program, to arbitration?</p> <p>3 A. No, not arbitration. 03:44 PM</p> <p>4 Q. Did anybody render a decision that 03:44 PM</p> <p>5 established that seniority was applicable to the</p> <p>6 ESY program?</p> <p>7 A. Did anyone render a decision -- 03:44 PM</p> <p>8 Q. Render a decision. 03:44 PM</p> <p>9 A. -- that it was, that seniority is not 03:44 PM</p> <p>10 applicable to --</p> <p>11 Q. That seniority is applicable to the 03:44 PM</p> <p>12 ESY program. We have a decision that says it's</p> <p>13 not.</p> <p>14 A. Seniority is applicable. 03:44 PM</p> <p>15 Q. Right. Did anyone say it was? 03:44 PM</p> <p>16 A. No. 03:44 PM</p> <p>17 Q. Did anybody render a decision to say 03:44 PM</p> <p>18 it was?</p> <p>19 A. Not to my knowledge. 03:44 PM</p> <p>20 Q. So as far as you know, the final 03:44 PM</p> <p>21 decision on this issue of whether seniority ruled</p> <p>22 with regard to the ESY Program for Teaching</p> <p>23 Assistants was one that it did not, right?</p> <p>24 A. Yes. 03:44 PM</p> <p>25 Q. O.K., thank you. 03:44 PM</p>
248	<p>1 Carol Melton</p> <p>2 your seniority and your certified status entitled</p> <p>3 you to the Teaching Assistant position over Ms.</p> <p>4 Baker or Ms. Rahemba, right? That was a claim you</p> <p>5 made.</p> <p>6 A. Yes. 03:43 PM</p> <p>7 Q. O.K. And that claim was denied here, 03:43 PM</p> <p>8 and they claim that seniority is not applicable to</p> <p>9 the ESY Program, right? That's the second</p> <p>10 paragraph on the page 83 of the Cook decision. Do</p> <p>11 you see that?</p> <p>12 A. Yes, I see that. 03:43 PM</p> <p>13 Q. All right. Did the union move that 03:43 PM</p> <p>14 grievance after it was denied up to the Board</p> <p>15 level?</p> <p>16 A. I believe it was. 03:43 PM</p> <p>17 Q. O.K. And did the Board render the 03:43 PM</p> <p>18 same decision as Dr. Cook or did they grant the</p> <p>19 grievance?</p> <p>20 A. I'm sure that the Board rendered the 03:44 PM</p> <p>21 same --</p> <p>22 Q. O.K. 03:44 PM</p> <p>23 A. -- decision. 03:44 PM</p> <p>24 Q. So, did the union grieve that denial, 03:44 PM</p> <p>25 including the claim that seniority was inapplicable</p>	250	<p>1 Carol Melton</p> <p>2 (Whereupon, there is a recess 03:45 PM</p> <p>3 taken.)</p> <p>4 (Whereupon, Defendant's 04:08 PM</p> <p>5 Exhibit T, 6/8/16 one-page Official</p> <p>6 Grievance Form, 6/17/16 Grievance denial,</p> <p>7 000020-21 7/14/16 two-page Stage II</p> <p>8 Response, and 8/12/16 Stage III Response,</p> <p>9 000073, is marked for identification, as</p> <p>10 of this date.)</p> <p>11 BY MR. RUSHFIELD: 04:08 PM</p> <p>12 Q. I'm going to follow up, Ms. Melton, 04:08 PM</p> <p>13 with asking about a couple more other grievances</p> <p>14 and then we can wrap that up and move on to</p> <p>15 something else. I'm going to put these together</p> <p>16 differently.</p> <p>17 Showing you what's been marked as 04:09 PM</p> <p>18 Defendant's T, Ms. Melton. In your complaint, if</p> <p>19 you look at your complaint again for a moment,</p> <p>20 Ms. Melton -- where was it? -- at Paragraph 9 of</p> <p>21 your complaint, this is the Facts: Amendment</p> <p>22 portion, you talk about an incident that happened</p> <p>23 on or about May 17, 2016 when Assistant Principal</p> <p>24 Penn, P-e-n-n, wanted to cover Ms. Rhodes' class.</p> <p>25 Do you see that?</p>

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251	<p>1 Carol Melton</p> <p>2 A. Yes, I see it. 04:10 PM</p> <p>3 Q. O.K. And according to this, she asked 04:10 PM</p> <p>4 you to cover Ms. Rhodes' class and you politely</p> <p>5 declined as per your rights under the contract,</p> <p>6 according to you, right?</p> <p>7 A. Yes. 04:11 PM</p> <p>8 Q. O.K. 04:11 PM</p> <p>9 A. That's what it says. 04:11 PM</p> <p>10 Q. And apparently after that Ms. Dargan, 04:11 PM</p> <p>11 who was the principal, gave you a directive to</p> <p>12 cover Ms. Rhodes' class, correct?</p> <p>13 A. Yes. 04:11 PM</p> <p>14 Q. And did you follow that directive? 04:11 PM</p> <p>15 A. Yes. 04:11 PM</p> <p>16 Q. So you didn't follow it until you got 04:11 PM</p> <p>17 it from Ms. Dargan in writing? Did she give it to</p> <p>18 you in writing?</p> <p>19 A. Yes. 04:11 PM</p> <p>20 Q. And that's when you followed the 04:11 PM</p> <p>21 directive, right?</p> <p>22 A. Yes. 04:11 PM</p> <p>23 Q. And Defendant's T, is that a grievance 04:11 PM</p> <p>24 you filed about that circumstance?</p> <p>25 A. What did you say again? 04:11 PM</p>	253	<p>1 Carol Melton</p> <p>2 deemed necessary by the school district for</p> <p>3 programmatic reasons.</p> <p>4 Did you think that this action on or 04:12 PM</p> <p>5 about May 17, 2016 was an act of either race</p> <p>6 discrimination or retaliation or both?</p> <p>7 A. Yes. 04:12 PM</p> <p>8 Q. Which? Did you believe that this 04:13 PM</p> <p>9 directive, this assignment to you was being given</p> <p>10 to you because you're African-American? Start with</p> <p>11 that.</p> <p>12 A. No. 04:13 PM</p> <p>13 Q. Did you believe this directive was 04:13 PM</p> <p>14 being given to you because you had filed an EEOC</p> <p>15 complaint?</p> <p>16 A. Yes, I believe. 04:13 PM</p> <p>17 Q. All right. And other than your claim 04:13 PM</p> <p>18 that you weren't required to do this assignment, do</p> <p>19 you have any other basis for claiming that it was a</p> <p>20 matter of retaliation?</p> <p>21 A. Are you asking if it was a matter of 04:13 PM</p> <p>22 retaliation?</p> <p>23 Q. Let me ask it again. 04:13 PM</p> <p>24 You're claiming that -- you're saying 04:13 PM</p> <p>25 that this was an act of retaliation, what</p>
252	<p>1 Carol Melton</p> <p>2 Q. Sure. Defendant's T, the grievance. 04:11 PM</p> <p>3 A. Oh. 04:11 PM</p> <p>4 Q. That's all right, I understand. 04:11 PM</p> <p>5 A. I thought you meant a name. O.K. 04:11 PM</p> <p>6 Q. No. Defendant's T -- 04:11 PM</p> <p>7 A. Yes. 04:11 PM</p> <p>8 Q. -- is that a grievance you filed about 04:11 PM</p> <p>9 the actions of Ms. Penn and Ms. Dargan on or</p> <p>10 May 17, 2016?</p> <p>11 A. Yes. 04:11 PM</p> <p>12 Q. O.K. And it's fair to say -- you'll 04:11 PM</p> <p>13 see attached to this is a decision by Ms. Dargan, a</p> <p>14 decision by Dr. Cook, a decision by Mr. Coates as</p> <p>15 Board of Ed president, and for some reason on the</p> <p>16 back of this one, I don't know if it's on the back</p> <p>17 of yours, is a grievance attached. No, you're</p> <p>18 good. Just mine.</p> <p>19 O.K. So did you file Defendant's T 04:12 PM</p> <p>20 about this incident on or about May 17, 2016,</p> <p>21 Ms. Melton?</p> <p>22 A. Yes. 04:12 PM</p> <p>23 Q. O.K. So they all denied the grievance 04:12 PM</p> <p>24 saying, if I can paraphrase, that the district had</p> <p>25 the right to make involuntarily transfers when</p>	254	<p>1 Carol Melton</p> <p>2 Ms. Dargan and what Ms. Penn did, right?</p> <p>3 A. Yes. 04:13 PM</p> <p>4 Q. Correct? O.K. 04:13 PM</p> <p>5 And you've asserted that your 04:13 PM</p> <p>6 seniority entitled you to refuse such an</p> <p>7 assignment; have I got that right?</p> <p>8 A. Yes. 04:13 PM</p> <p>9 Q. O.K. According to the decisions 04:13 PM</p> <p>10 rendered by Ms. Dargan, Dr. Cook and the Board of</p> <p>11 Education, you understood they claimed no, your</p> <p>12 seniority did not entitle you no make that</p> <p>13 decision, correct?</p> <p>14 A. Yes. 04:14 PM</p> <p>15 Q. All right. They claimed that 04:14 PM</p> <p>16 contractually or policy-wise they had the right to</p> <p>17 assign you to this coverage of Ms. Rhodes' class;</p> <p>18 that's the position the district took at each of</p> <p>19 the stages of the grievance, right?</p> <p>20 A. It appears to be. 04:14 PM</p> <p>21 Q. O.K. And your union did not arbitrate 04:14 PM</p> <p>22 this grievance after the final decision of the</p> <p>23 Board of Education, right?</p> <p>24 A. No, the union did not go to 04:14 PM</p> <p>25 arbitration.</p>

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255	<p>1 Carol Melton</p> <p>2 Q. The union did not dispute -- I'm 04:14 PM</p> <p>3 correct, am I not, that the union did not dispute</p> <p>4 the district's claim that they had a right to</p> <p>5 assign you to this position? Correct?</p> <p>6 A. The local union? 04:15 PM</p> <p>7 Q. Your union, the union who has the 04:15 PM</p> <p>8 contract with the Poughkeepsie City School</p> <p>9 District, they did not take the position contrary</p> <p>10 to that of the district, because they didn't</p> <p>11 arbitrate the grievance, right?</p> <p>12 A. They didn't arbitrate but it did go 04:15 PM</p> <p>13 through the subsequent steps.</p> <p>14 Q. Right. And the subsequent steps, the 04:15 PM</p> <p>15 final decision was the district was well within its</p> <p>16 rights; that's the only decisions we have, right?</p> <p>17 A. Right, that's what the district said. 04:15 PM</p> <p>18 Q. So other than the fact that you 04:15 PM</p> <p>19 disagreed that they had that right, is there any</p> <p>20 other basis for your claiming this was retaliatory?</p> <p>21 A. No, other than the -- what the 04:15 PM</p> <p>22 contract and my submission of my claim.</p> <p>23 Q. Submission of your claim, you mean 04:15 PM</p> <p>24 submitting the EEOC complaint.</p> <p>25 A. Yes. 04:15 PM</p>	257	<p>1 Carol Melton</p> <p>2 know that I'll need it, but it might just</p> <p>3 be that I do.</p> <p>4 Let's do this because maybe you 04:17 PM</p> <p>5 can figure it out. Defendant's U.</p> <p>6 MR. WATSON: Are there more 04:18 PM</p> <p>7 pages?</p> <p>8 MR. RUSHFIELD: No, this is it. 04:18 PM</p> <p>9 As you can tell, I can barely 04:18 PM</p> <p>10 read this here, but since Ms. Melton</p> <p>11 signed it, she may be able to help us.</p> <p>12 MR. WATSON: I can read it. 04:18 PM</p> <p>13 MR. RUSHFIELD: You can. 04:18 PM</p> <p>14 MR. WATSON: Yes. 04:18 PM</p> <p>15 (Whereupon, Defendant's 04:18 PM</p> <p>16 Exhibit U, 6/20/16 one-page Official</p> <p>17 Grievance Form, is marked for</p> <p>18 identification, as of this date.)</p> <p>19 Q. I'm showing you Defendant's U, 04:18 PM</p> <p>20 Ms. Melton. And if you can't read it, we're going</p> <p>21 to have counsel read it into the record, because he</p> <p>22 can read it.</p> <p>23 MR. WATSON: I don't know if 04:18 PM</p> <p>24 that's allowed but...</p> <p>25 Q. Can you tell me what words appear 04:18 PM</p>
256	<p>1 Carol Melton</p> <p>2 Q. So do I understand correctly that your 04:15 PM</p> <p>3 basis for claiming that the actions of the district</p> <p>4 in directing you to this cover Ms. Rhodes' position</p> <p>5 despite your claim of seniority was retaliatory</p> <p>6 because you filed the EEOC complaint and you</p> <p>7 believe that the contract gave you the right to</p> <p>8 refuse the assignment, correct?</p> <p>9 A. You asked two questions, so... 04:16 PM</p> <p>10 Q. No, I didn't, but I'll rephrase it. 04:16 PM</p> <p>11 Apart from the fact that you claim 04:16 PM</p> <p>12 that you had, which the district disagreed with,</p> <p>13 that you had the right to refuse that assignment</p> <p>14 and there was an EEOC complaint filed, do you have</p> <p>15 any other basis for claiming that the actions of</p> <p>16 the district in making this assignment to you were</p> <p>17 retaliatory?</p> <p>18 A. I don't have at this time, no. 04:16 PM</p> <p>19 Q. O.K. You can give me that back. 04:16 PM</p> <p>20 Thank you.</p> <p>21 MR. WATSON: Do you need these 04:16 PM</p> <p>22 back, too? It's the document requests.</p> <p>23 MR. RUSHFIELD: The document 04:16 PM</p> <p>24 requests we will take back.</p> <p>25 Let's leave that there. I don't 04:16 PM</p>	258	<p>1 Carol Melton</p> <p>2 after the words "List Applicable Violation"?</p> <p>3 Because I can't read it.</p> <p>4 A. O.K., give me a second. 04:18 PM</p> <p>5 Q. Go ahead. 04:18 PM</p> <p>6 A. I have to read the whole thing because 04:18 PM</p> <p>7 I have to focus: "The district violated Article,"</p> <p>8 it looks like "VIII - Individual and Association</p> <p>9 Rights, Section 2, Notice of Assignment, Workday,</p> <p>10 Extended Workday and Work Year." Oh, goodness.</p> <p>11 "A-Permanent and B-Occasional; Article IX --</p> <p>12 Seniority," it looks like it says, "Reduction in</p> <p>13 Force, Section A, Seniority, Past Practice and any</p> <p>14 other applicable provisions of the contract when</p> <p>15 it" -- I'm not sure.</p> <p>16 MR. WATSON: "Requested." 04:19 PM</p> <p>17 A. -- "requested the grievant to 04:19 PM</p> <p>18 voluntarily work an extra assignment, and when she</p> <p>19 declined, turned the voluntarily request into a</p> <p>20 mandatory request, rather than seek other</p> <p>21 volunteers."</p> <p>22 Q. O.K. You don't have to read anything 04:20 PM</p> <p>23 further because it looks like this is the same</p> <p>24 claim that's in Defendant's T. It is. It's the</p> <p>25 same. I can read the rest of it and see it's the</p>

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259	<p>1 Carol Melton</p> <p>2 same language as in the grievance we just get</p> <p>3 outlined.</p> <p>4 A. The one that we just handed back? 04:20 PM</p> <p>5 Q. Yes. In one way it came out in that 04:20 PM</p> <p>6 kind of print and in one way it came out full.</p> <p>7 A. I thought -- I didn't see -- 04:20 PM</p> <p>8 MR. RUSHFIELD: Let me show her 04:20 PM</p> <p>9 Defendant's T.</p> <p>10 MR. WATSON: Well, this 04:20 PM</p> <p>11 page says Step II and this page says</p> <p>12 Step I.</p> <p>13 MR. RUSHFIELD: Right. So the 04:20 PM</p> <p>14 difference is it's a different step</p> <p>15 decision. It's a different step it was</p> <p>16 submitted at.</p> <p>17 You can return that to me. I 04:20 PM</p> <p>18 know what happened with it, so...</p> <p>19 Q. Ms. Dargan, earlier I had shown you a 04:21 PM</p> <p>20 document that included your complaint --</p> <p>21 A. I'm not Ms. Dargan, but that's O.K. 04:21 PM</p> <p>22 Q. Oh, that's right. Ms. Dargan's a 04:22 PM</p> <p>23 principal. It's a promotion.</p> <p>24 A. I look exactly like her. 04:22 PM</p> <p>25 MR. WATSON: Do you? 04:22 PM</p>	261
260	<p>1 Carol Melton</p> <p>2 THE WITNESS: No. That's a 04:22 PM</p> <p>3 joke.</p> <p>4 Q. Ms. Melton, earlier you saw your 04:22 PM</p> <p>5 complaint of harassment made about Dr. Cook, right?</p> <p>6 We went over that earlier. Do you recall that?</p> <p>7 A. The one harassment, yes. 04:22 PM</p> <p>8 Q. Right, the harassment complaint that 04:22 PM</p> <p>9 was in an email.</p> <p>10 A. Yes, I remember that. 04:22 PM</p> <p>11 Q. O.K. And after you were contacted by 04:22 PM</p> <p>12 the district about engaging in a</p> <p>13 discrimination/harassment complaint investigation,</p> <p>14 right? You were contacted by Steven Rappleyea?</p> <p>15 A. Yes. 04:22 PM</p> <p>16 Q. O.K. And he asked for you to 04:22 PM</p> <p>17 cooperate with him in investigating your</p> <p>18 allegations of harassment, right?</p> <p>19 A. Yes. 04:22 PM</p> <p>20 Q. Did you ever meet with him? 04:22 PM</p> <p>21 A. No. 04:22 PM</p> <p>22 Q. Why not? 04:22 PM</p> <p>23 A. You have that. There were several 04:22 PM</p> <p>24 reasons why.</p> <p>25 Q. Well, give me them. 04:22 PM</p>	262
	<p>1 Carol Melton</p> <p>2 A. Well, in the beginning he was very 04:22 PM</p> <p>3 assertive.</p> <p>4 Q. Assertive about having a meeting? 04:23 PM</p> <p>5 A. Yes. 04:23 PM</p> <p>6 Q. O.K. What else? 04:23 PM</p> <p>7 A. He did not wait for me to respond, he 04:23 PM</p> <p>8 just told me he was sending a taxi to come pick me</p> <p>9 up.</p> <p>10 Q. All right. Well let's do it this way. 04:23 PM</p> <p>11 MR. RUSHFIELD: V, as in Victor. 04:23 PM</p> <p>12 (Whereupon, Defendant's 04:23 PM</p> <p>13 Exhibit V, several emails dated between</p> <p>14 11/7/16 and 12/8/16, 000350, 000295,</p> <p>15 000169, 000294, is marked for</p> <p>16 identification, as of this date.)</p> <p>17 Q. Showing you a document that we've 04:24 PM</p> <p>18 marked as Defendant's V. It's a series of emails.</p> <p>19 I want to take you through them.</p> <p>20 The first one is an email to 04:24 PM</p> <p>21 Dr. Williams, the Superintendent of Schools -- I'm</p> <p>22 sorry, from -- well, it appears to be from Steven</p> <p>23 Rappleyea to Becky Torres with a copy to</p> <p>24 Dr. Williams, Subject: Cease and desist from</p> <p>25 stalking, harassment, intimidation, et cetera. And</p>	

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263	<p>1 Carol Melton</p> <p>2 A. I don't remember that, but it probably 04:25 PM</p> <p>3 was --</p> <p>4 Q. You don't have -- 04:25 PM</p> <p>5 A. -- in his office. 04:25 PM</p> <p>6 Q. -- A specific recollection, but it's 04:25 PM</p> <p>7 your belief that probably is what he offered you?</p> <p>8 A. Mm-hmm. 04:26 PM</p> <p>9 Q. Yes? 04:26 PM</p> <p>10 A. Yes. 04:26 PM</p> <p>11 Q. O.K. Then he says, "I gave her my 04:26 PM</p> <p>12 district cell phone number and asked her to let me</p> <p>13 know what time would be preferable." Did that</p> <p>14 happen, did he give you his district cell phone</p> <p>15 number?</p> <p>16 A. I don't remember that. 04:26 PM</p> <p>17 Q. O.K. And then it says, "Ms. Melton 04:26 PM</p> <p>18 stated she would call today," which was Monday, and</p> <p>19 he was currently awaiting your call. Did you tell</p> <p>20 him you would call that Monday?</p> <p>21 A. I don't remember. 04:26 PM</p> <p>22 Q. O.K. He says to Dr. Williams if he 04:26 PM</p> <p>23 doesn't hear from you that day, which was Monday,</p> <p>24 he will call tomorrow to request that you appear at</p> <p>25 his offices first thing Thursday.</p>	265
264	<p>1 Carol Melton</p> <p>2 Next page, it has a November 14 email 04:26 PM</p> <p>3 to you from Mr. Rappleyea. Do you see that?</p> <p>4 That's at the bottom of the page.</p> <p>5 A. That's the next page, correct? 04:26 PM</p> <p>6 Q. Right, next page. 04:27 PM</p> <p>7 A. O.K. 04:27 PM</p> <p>8 Q. All right. So he says in that 04:27 PM</p> <p>9 November 14, 2016 email that he was appointed to</p> <p>10 position of Alternate Title VII compliance officer.</p> <p>11 Do you know why he was made the alternate, why he</p> <p>12 was selected as the Alternate Title VII compliance</p> <p>13 officer?</p> <p>14 A. I believe because someone else had the 04:27 PM</p> <p>15 position.</p> <p>16 Q. Wasn't Dr. Cook the person who 04:27 PM</p> <p>17 actually was the Title VII compliance officers?</p> <p>18 A. I believe he was. 04:27 PM</p> <p>19 Q. So there was a problem because your 04:27 PM</p> <p>20 allegations were about Dr. Cook, right?</p> <p>21 A. O.K. 04:27 PM</p> <p>22 Q. Yes? 04:27 PM</p> <p>23 A. Yes. 04:27 PM</p> <p>24 Q. O.K. He told you he's been asked to 04:27 PM</p> <p>25 investigate an allegation of harassment you</p>	266
	<p>1 Carol Melton</p> <p>2 reported against Dr. Ronel Cook. He says, "I made</p> <p>3 contact with you last week in order to schedule an</p> <p>4 interview time such that could gather information</p> <p>5 related to your report," which had happened, right?</p> <p>6 He had contacted you the prior week to schedule an</p> <p>7 interview, right?</p> <p>8 A. Yes. 04:28 PM</p> <p>9 Q. O.K. According to this you expressed 04:28 PM</p> <p>10 to him that you were hoping to speak with an</p> <p>11 attorney prior to the meeting and that you would</p> <p>12 get back to him prior to your conversation. Did</p> <p>13 you tell him you were hoping to speak with an</p> <p>14 attorney?</p> <p>15 A. Yes, I said that I was hoping to speak 04:28 PM</p> <p>16 with an attorney.</p> <p>17 Q. O.K. Next email, next page, contains 04:28 PM</p> <p>18 that email and then another email of November 28,</p> <p>19 2016, which is now three weeks after --</p> <p>20 approximately three weeks after he spoke to you.</p> <p>21 He says he hopes you had a lovely 04:28 PM</p> <p>22 Thanksgiving and are returning to work refreshed</p> <p>23 and ready for the tasks ahead. He says, "It has</p> <p>24 been two weeks since my last request to meet you.</p> <p>25 I have not heard from you in this time." Is that</p>	

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267	<p>1 Carol Melton</p> <p>2 text messages." Had he sent you text messages?</p> <p>3 A. I don't recollect. 04:29 PM</p> <p>4 Q. Had he tried to call you by phone? 04:29 PM</p> <p>5 A. I don't recall that either. 04:29 PM</p> <p>6 Q. All right. He says that "After 04:29 PM</p> <p>7 initially scheduling and confirming a meeting for</p> <p>8 Thursday, November 10th, you informed me on the</p> <p>9 morning of November 10th, by text, that you were</p> <p>10 waiting to hear back from your attorney." Did that</p> <p>11 happen?</p> <p>12 A. Sorry. I'm reading. 04:30 PM</p> <p>13 Q. Second paragraph, first sentence. 04:30 PM</p> <p>14 A. Yes, I see that. 04:30 PM</p> <p>15 Q. Did that happen? 04:30 PM</p> <p>16 A. Did which happen? 04:30 PM</p> <p>17 Q. Did you initially schedule and confirm 04:30 PM</p> <p>18 a meeting for Thursday November 10th? Yes or no.</p> <p>19 A. I don't remember the exact date, but I 04:30 PM</p> <p>20 believe I did.</p> <p>21 Q. O.K. Then it says, "you informed me 04:30 PM</p> <p>22 on the morning of the November 10th," which was the</p> <p>23 date of this meeting apparently, "by text, that you</p> <p>24 were waiting to hear back from your attorney." Did</p> <p>25 you tell him that?</p>	269	<p>1 Carol Melton</p> <p>2 is a long two weeks.</p> <p>3 So you don't deny that he sent you an 04:31 PM</p> <p>4 email --</p> <p>5 A. Yes, I remember the -- 04:31 PM</p> <p>6 Q. After not hearing from you for two 04:31 PM</p> <p>7 weeks, he sent you a follow-up email, right?</p> <p>8 A. Yes. 04:31 PM</p> <p>9 Q. You acknowledge that. 04:31 PM</p> <p>10 A. Yes. 04:31 PM</p> <p>11 Q. And then he invites you to at the very 04:31 PM</p> <p>12 least provide him a written statement of the events</p> <p>13 that are of concern. Did you give him a written</p> <p>14 statement?</p> <p>15 A. No, I didn't provide a written 04:32 PM</p> <p>16 statement.</p> <p>17 Q. Did you ever arrange to be interviewed 04:32 PM</p> <p>18 by him?</p> <p>19 A. I did not meet with him. 04:32 PM</p> <p>20 Q. Was that intentional on your behalf 04:32 PM</p> <p>21 that you did not meet with him?</p> <p>22 A. It's not intentional. 04:32 PM</p> <p>23 Q. Well, why didn't you meet with him? 04:32 PM</p> <p>24 A. I said that he was assertive. 04:32 PM</p> <p>25 Q. O.K. Did you complain -- 04:32 PM</p>
268	<p>1 Carol Melton</p> <p>2 A. Yes. 04:30 PM</p> <p>3 Q. Who was the attorney you were speaking 04:30 PM</p> <p>4 with?</p> <p>5 A. I called several people. 04:30 PM</p> <p>6 Q. Well, it says you were waiting to hear 04:30 PM</p> <p>7 back from your attorney. Which attorney were you</p> <p>8 waiting to her back from?</p> <p>9 A. Several. I was getting information 04:30 PM</p> <p>10 on...</p> <p>11 Q. So you were just contacting various 04:31 PM</p> <p>12 attorneys about maybe representing you, yes?</p> <p>13 A. Yes. 04:31 PM</p> <p>14 Q. O.K. He says, "I noted by text that I 04:31 PM</p> <p>15 would await your response." Did he do that?</p> <p>16 This is on November 10th. 04:31 PM</p> <p>17 A. I don't recall that. 04:31 PM</p> <p>18 Q. He then says, "After not hearing from 04:31 PM</p> <p>19 you for two weeks, I sent a follow-up email</p> <p>20 inviting you to schedule a meeting such that I</p> <p>21 could receive the substantive facts of your</p> <p>22 concern, such that I might complete the</p> <p>23 investigation on behalf of the district." Now we</p> <p>24 know he sent you an email on November 14th and</p> <p>25 November 28th. So November 14th to November 28th</p>	270	<p>1 Carol Melton</p> <p>2 MR. WATSON: Let her finish. 04:32 PM</p> <p>3 Q. I'm sorry. Is there something more? 04:32 PM</p> <p>4 A. I said that he was assertive. I do 04:32 PM</p> <p>5 remember him contacting me, and that was before he</p> <p>6 was actually appointed or --</p> <p>7 Q. Board appointed you mean? 04:32 PM</p> <p>8 A. Board appointed to take over that 04:32 PM</p> <p>9 position. I do remember him not actually setting</p> <p>10 up a meeting but telling me you need to come speak</p> <p>11 to me, without knowing the exact words, like right</p> <p>12 away.</p> <p>13 Q. O.K. 04:33 PM</p> <p>14 A. And then he sent a taxi to pick me up. 04:33 PM</p> <p>15 Q. And did you go? 04:33 PM</p> <p>16 A. And he -- if I may finish. He sent a 04:33 PM</p> <p>17 taxi to pick me up. I received an email in regard</p> <p>18 to that from another principal. He apparently sent</p> <p>19 the taxi to another school.</p> <p>20 Q. O.K. 04:33 PM</p> <p>21 A. So I was -- I was afraid. I was -- 04:33 PM</p> <p>22 Q. You were afraid to meet with him? 04:33 PM</p> <p>23 A. I was afraid because he didn't even 04:33 PM</p> <p>24 know what school I was in, and, to me, that just</p> <p>25 didn't seem to show that he cared about the</p>

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271	<p>1 Carol Melton</p> <p>2 incident if he didn't even know what school -- he</p> <p>3 didn't do the efforts to find out what school I'm</p> <p>4 in.</p> <p>5 And then, the email he sent to the 04:34 PM</p> <p>6 principal, I'm pretty sure that principal had</p> <p>7 nothing to do with it, is now knowledgeable about</p> <p>8 it and probably -- because it did say my name,</p> <p>9 probably was wondering what it was about, and so,</p> <p>10 it was just very uncomfortable.</p> <p>11 Q. Did you tell Dr. Rappleyea that you 04:34 PM</p> <p>12 wouldn't meet with him because he was assertive?</p> <p>13 A. I didn't speak to him at -- 04:34 PM</p> <p>14 Q. So you never spoke -- 04:34 PM</p> <p>15 A. I did not speak to him -- 04:34 PM</p> <p>16 Q. Did you ever speak to them? 04:34 PM</p> <p>17 A. -- with that same -- 04:34 PM</p> <p>18 Q. Did you ever speak to him on the 04:34 PM</p> <p>19 phone?</p> <p>20 A. I only spoke to him on the phone 04:34 PM</p> <p>21 regarding when -- that I remember, when he said</p> <p>22 schedule, I think, it was to schedule something,</p> <p>23 but that's all I can recall after that.</p> <p>24 Q. O.K. Did you ever let the 04:34 PM</p> <p>25 administration of the school district know that you</p>	273	<p>1 Carol Melton</p> <p>2 A. With Dr. Rappleyea follow up? 04:35 PM</p> <p>3 Q. Yes. Did you follow up with him about 04:35 PM</p> <p>4 any circumstance, either scheduling a meeting or</p> <p>5 telling him I'd like to speak with someone else?</p> <p>6 A. I didn't tell him. I didn't know that 04:35 PM</p> <p>7 that was an option, and I did not speak with him</p> <p>8 after that point. If he's the person that is</p> <p>9 assigned, that's my understanding, he's the one</p> <p>10 that's assigned.</p> <p>11 Q. Right. But you knew he had taken the 04:36 PM</p> <p>12 place of Dr. Cook in being assigned, right?</p> <p>13 A. Yeah, after it was -- he sent me that 04:36 PM</p> <p>14 email.</p> <p>15 Q. So you knew that the Board could 04:36 PM</p> <p>16 assign other alternates than Dr. Rappleyea or</p> <p>17 Dr. Cook to be your Title IX investigator?</p> <p>18 A. I'm not aware of that. 04:36 PM</p> <p>19 Q. Do you know the district had a policy 04:36 PM</p> <p>20 against discrimination?</p> <p>21 A. I believe that, yeah. 04:36 PM</p> <p>22 Q. Were you aware of that policy? 04:36 PM</p> <p>23 A. I don't know but I believe that most 04:36 PM</p> <p>24 businesses have some sort of policy in place.</p> <p>25 Q. Did you ever check the policy to see 04:36 PM</p>
272	<p>1 Carol Melton</p> <p>2 were uncomfortable with Dr. Rappleyea?</p> <p>3 A. I didn't -- I did not speak to anyone 04:34 PM</p> <p>4 else.</p> <p>5 Q. So you didn't tell anyone that you 04:34 PM</p> <p>6 were uncomfortable with him.</p> <p>7 A. I didn't know there was anyone I 04:35 PM</p> <p>8 should speak with.</p> <p>9 Q. You know who the Superintendent of 04:35 PM</p> <p>10 Schools was right?</p> <p>11 A. Yes, I do. 04:35 PM</p> <p>12 Q. You know there was a Board of Ed? 04:35 PM</p> <p>13 A. I do. 04:35 PM</p> <p>14 Q. Are you telling me that you couldn't 04:35 PM</p> <p>15 think of anyone you would contact to complain about</p> <p>16 Dr. Rappleyea's behavior? Is that what you're</p> <p>17 telling me? Is that your testimony?</p> <p>18 A. I'm saying that I didn't know who I 04:35 PM</p> <p>19 should contact.</p> <p>20 Q. Did you ask anybody about who you 04:35 PM</p> <p>21 should contact?</p> <p>22 A. No. 04:35 PM</p> <p>23 Q. Did you engage in any follow-up with 04:35 PM</p> <p>24 Dr. Rappleyea after he was trying to arrange these</p> <p>25 meetings with you?</p>	274	<p>1 Carol Melton</p> <p>2 what your rights were?</p> <p>3 A. I don't remember reading it. 04:36 PM</p> <p>4 Q. Right. Is the policy available to 04:36 PM</p> <p>5 employees of the district?</p> <p>6 A. I guess so. 04:36 PM</p> <p>7 Q. Is it online? Isn't in their 04:36 PM</p> <p>8 board.docs?</p> <p>9 A. I don't know. I've never searched for 04:36 PM</p> <p>10 that.</p> <p>11 Q. Never looked for it. 04:37 PM</p> <p>12 A. I never looked for it. 04:37 PM</p> <p>13 Q. O.K. Well, you knew that if you made 04:37 PM</p> <p>14 a harassment complaint, there would be an</p> <p>15 investigator assigned because that had happened,</p> <p>16 right?</p> <p>17 A. No, I did not know. 04:37 PM</p> <p>18 Q. Well once you made the complaint with 04:37 PM</p> <p>19 regards to Dr. Cook you knew that an investigator</p> <p>20 would be assigned because one was assigned, right?</p> <p>21 A. I knew when the person contacted me. 04:37 PM</p> <p>22 Q. Exactly. And did you ever make any 04:37 PM</p> <p>23 other complaints of discrimination or retaliation</p> <p>24 to the school district after you learned that they</p> <p>25 had a discrimination complaint investigator that</p>

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275	<p>1 Carol Melton</p> <p>2 they would assign to complaints?</p> <p>3 A. Could you say that again? 04:37 PM</p> <p>4 Q. Sure. You made a harassment complaint 04:37 PM</p> <p>5 against Dr. Cook, right? Correct?</p> <p>6 A. Yes. 04:37 PM</p> <p>7 Q. And after you made that harassment 04:37 PM</p> <p>8 client, you were notified of the assignment of an</p> <p>9 investigator to investigate your claim of</p> <p>10 harassment, right?</p> <p>11 A. Yes. 04:37 PM</p> <p>12 Q. At that point, you knew that the 04:38 PM</p> <p>13 district would appoint people to investigate claims</p> <p>14 of discrimination, right?</p> <p>15 A. No, I did not. 04:38 PM</p> <p>16 Q. Well, you knew that they would 04:38 PM</p> <p>17 investigate claims of harassment, intimidation, and</p> <p>18 retaliation, right? That's the allegation also you</p> <p>19 made against Dr. Cook.</p> <p>20 A. When the person contacted me and told 04:38 PM</p> <p>21 me that was their responsibility, that's when I</p> <p>22 knew.</p> <p>23 Q. And that's like November of 2015, 04:38 PM</p> <p>24 right?</p> <p>25 A. No. 2016. 04:38 PM</p>	277
276	<p>1 Carol Melton</p> <p>2 Q. O.K. November of 2016. 04:38 PM</p> <p>3 From November 2016 on you know that if 04:38 PM</p> <p>4 you make a complaint of, let's say, retaliation</p> <p>5 there will be an investigator appointed, right?</p> <p>6 A. At that time. 04:38 PM</p> <p>7 Q. Right. 04:38 PM</p> <p>8 A. O.K. 04:38 PM</p> <p>9 Q. From November of 2016 through the 04:38 PM</p> <p>10 2016-2017 school year, did you ever make a</p> <p>11 complaint of retaliation at the district? Just</p> <p>12 like you made one against Dr. Cook, did you make a</p> <p>13 complaint of retaliation for anything else that</p> <p>14 happened at the district after November 2016?</p> <p>15 A. But are you talking -- this complaint 04:39 PM</p> <p>16 against him harassing me?</p> <p>17 Q. No. Listen to my question. 04:39 PM</p> <p>18 You made a complaint about Dr. Cook, 04:39 PM</p> <p>19 right?</p> <p>20 A. Yes. 04:39 PM</p> <p>21 Q. You believed you had the right to make 04:39 PM</p> <p>22 a complaint against Dr. Cook, right?</p> <p>23 A. I wanted him to stop. 04:39 PM</p> <p>24 Q. Right? 04:39 PM</p> <p>25 A. Yes. 04:39 PM</p>	278
	<p>1 Carol Melton</p> <p>2 Q. And you claimed he was retaliating 04:39 PM</p> <p>3 against you among other things, right?</p> <p>4 A. Yes. 04:39 PM</p> <p>5 Q. You've made allegations in this case 04:39 PM</p> <p>6 that you were the subject of retaliation also</p> <p>7 throughout the 2016-2017 school year, right?</p> <p>8 A. Yes. 04:39 PM</p> <p>9 Q. When you made the complaint against 04:39 PM</p> <p>10 Dr. Cook, there was an investigator appointed to</p> <p>11 investigate the allegations. You didn't meet with</p> <p>12 him but you knew one was appointed, right?</p> <p>13 A. Yes. 04:39 PM</p> <p>14 Q. You knew the Board made the 04:39 PM</p> <p>15 appointment, right? That's what you told me.</p> <p>16 A. Yes. I knew someone made an 04:39 PM</p> <p>17 appointment, yes.</p> <p>18 Q. Well you told me you knew the Board 04:39 PM</p> <p>19 made the appointment because Rappleyea --</p> <p>20 A. Well -- 04:39 PM</p> <p>21 Q. -- was appointed later than -- 04:39 PM</p> <p>22 A. Right. 04:40 PM</p> <p>23 Q. -- when he first contacted you. 04:40 PM</p> <p>24 A. And it's in his email. 04:40 PM</p> <p>25 Q. All right. So you knew the Board made 04:40 PM</p>	

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279	<p>1 Carol Melton</p> <p>2 A. I'm not sure. 04:41 PM</p> <p>3 Q. So let's deal with it. Throughout the 04:41 PM</p> <p>4 2016-2017 school year, which after November leaves</p> <p>5 us December, January, February, March, April, May</p> <p>6 and June, and if we extend it through the extended</p> <p>7 school year, July and August before the next</p> <p>8 September, did you ever make another complaint of</p> <p>9 retaliation at the district level?</p> <p>10 A. At the district level? No. 04:41 PM</p> <p>11 Q. No. So after you EEOC complaint from 04:41 PM</p> <p>12 December 31, 2015, you never make another complaint</p> <p>13 of retaliation against the district, either</p> <p>14 internally or externally, to anyone, right?</p> <p>15 A. Not internally, no. 04:41 PM</p> <p>16 Q. Or externally, you don't make another 04:41 PM</p> <p>17 complaint to the EEOC, right? You only made the</p> <p>18 one.</p> <p>19 A. Right. 04:41 PM</p> <p>20 Q. You don't make any complaint at the 04:41 PM</p> <p>21 district level about you being the subject of</p> <p>22 retaliation after you learn that there is a</p> <p>23 procedure for the appointment of an investigator,</p> <p>24 correct?</p> <p>25 A. In regard to this one? 04:42 PM</p>	281
280	<p>1 Carol Melton</p> <p>2 Q. No. 04:42 PM</p> <p>3 A. I'm getting confused. 04:42 PM</p> <p>4 Q. In regards to any claims of 04:42 PM</p> <p>5 retaliation.</p> <p>6 A. O.K. 04:42 PM</p> <p>7 Q. We've been through this. You made a 04:42 PM</p> <p>8 claim of retaliation against Cook. You have claims</p> <p>9 of retaliation against the district for the</p> <p>10 2016-2017 school year relating to appointments,</p> <p>11 relating to actions that Nicole Penn and Ms. Dargan</p> <p>12 brought, which are raised in your complaint, but</p> <p>13 you don't make any internal complaint of</p> <p>14 discrimination or retaliation by Penn, by Dargan,</p> <p>15 by the district relating to Teaching Assistant</p> <p>16 appointments, right? You don't make any internal</p> <p>17 claims of retaliation of discrimination, correct?</p> <p>18 A. No, I don't submit it internally. 04:42 PM</p> <p>19 Q. Why not? 04:42 PM</p> <p>20 A. Because this is -- I've already 04:42 PM</p> <p>21 submitted my EEOC, and part of that is subsequent,</p> <p>22 it's been following.</p> <p>23 Q. Part of it is what? 04:43 PM</p> <p>24 A. Part of it, the retaliation, has been 04:43 PM</p> <p>25 ongoing.</p>	282
	<p>1 Carol Melton</p> <p>2 Q. Right. And you still filed no 04:43 PM</p> <p>3 internal complaints with the district about these</p> <p>4 ongoing acts of retaliation?</p> <p>5 A. No. 04:43 PM</p> <p>6 Q. And you've never even looked to find 04:43 PM</p> <p>7 out if there is discrimination procedure,</p> <p>8 anti-discrimination procedure or anti-harassment</p> <p>9 procedure in the policies of the district, is that</p> <p>10 what you're telling me, you never looked?</p> <p>11 A. No. 04:43 PM</p> <p>12 Q. Why not? 04:43 PM</p> <p>13 A. Because I've already filed a claim. 04:43 PM</p> <p>14 Q. Right, relating to -- in December 2015 04:43 PM</p> <p>15 relating to events that led up to December 31,</p> <p>16 2015, right? There's nothing in your EEOC</p> <p>17 complaint of December 31, 2015 that talks about</p> <p>18 things that happened afterwards, right?</p> <p>19 A. Not in the initial statement but the 04:43 PM</p> <p>20 amendment. The amendment --</p> <p>21 Q. No. You're talking about the 04:43 PM</p> <p>22 complaint in the action, in this court action. I'm</p> <p>23 not asking about that.</p> <p>24 The EEOC complaint you filed with the 04:44 PM</p> <p>25 EEOC, dated December 31, 2015, you don't say in</p>	

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283	<p>1 Carol Melton</p> <p>2 procedure because you've been contacted about a</p> <p>3 retaliation complaint under that procedure, right?</p> <p>4 A. I don't know that. 04:44 PM</p> <p>5 Q. You were contacted by Rappleyea. 04:44 PM</p> <p>6 Where do you think he came from?</p> <p>7 A. Think I understood to be harassment. 04:44 PM</p> <p>8 Q. O.K., but you had complained in your 04:45 PM</p> <p>9 complaint about Cook, you also said he retaliated</p> <p>10 against you.</p> <p>11 A. But this particular one Rappleyea is 04:45 PM</p> <p>12 responding to is about Dr. Cook harassed me.</p> <p>13 Q. Right. 04:45 PM</p> <p>14 A. O.K. 04:45 PM</p> <p>15 Q. And did you believe Dr. Cook's 04:45 PM</p> <p>16 harassment of you was related to your race?</p> <p>17 A. I don't know what his rationale was. 04:45 PM</p> <p>18 I just know that I contacted about the harassment.</p> <p>19 Q. O.K. In your complaint, the Facts: 04:45 PM</p> <p>20 Amendment portion, at paragraph 16, you state,</p> <p>21 "During the 2015-2016 and 2016-2017 school years,</p> <p>22 non-black employees in the same position were</p> <p>23 allowed to substitute (for extra money) while I was</p> <p>24 not permitted to do so when I was working in the</p> <p>25 same mandatory classes."</p>	285	<p>1 Carol Melton</p> <p>2 that particular day. I can't recollect the exact</p> <p>3 name.</p> <p>4 Q. I want to make sure you understand. 04:47 PM</p> <p>5 You've made an allegation in a complaint, right?</p> <p>6 You're under oath, and for you to support this</p> <p>7 allegation, you have to be able to give particulars</p> <p>8 about what you're talking about.</p> <p>9 So you've identified two non-black 04:47 PM</p> <p>10 employees so far in the same position, which I</p> <p>11 assume you mean Teaching Assistant, right?</p> <p>12 A. Teaching Assistant. 04:47 PM</p> <p>13 Q. Right? So two Teaching Assistants who 04:47 PM</p> <p>14 were not black were allowed to substitute for extra</p> <p>15 money while you were not permitted to do to.</p> <p>16 So let's talk about Rahemba first. 04:48 PM</p> <p>17 What substitute position was she given extra money</p> <p>18 for?</p> <p>19 A. To substitute for a teacher. 04:48 PM</p> <p>20 Q. Which teacher? 04:48 PM</p> <p>21 A. I don't know which teacher. 04:48 PM</p> <p>22 Q. When? 04:48 PM</p> <p>23 A. I don't recall that. 04:48 PM</p> <p>24 Q. Was it once or more than once, 04:48 PM</p> <p>25 Ms. Rahemba?</p>
284	<p>1 Carol Melton</p> <p>2 Which non-black employees were in the 04:46 PM</p> <p>3 same position as you and were allowed to substitute</p> <p>4 for extra money while you were not?</p> <p>5 A. Which? 04:46 PM</p> <p>6 Q. You say non-black employees in the 04:46 PM</p> <p>7 same position were allowed to substitute for extra</p> <p>8 money while you were not during these two school</p> <p>9 years. I'm asking who you're taking about.</p> <p>10 A. Alice Rahemba. 04:46 PM</p> <p>11 Q. O.K. Anybody else? 04:46 PM</p> <p>12 A. Donna Roman. 04:46 PM</p> <p>13 Q. What position did Ms. Rahemba 04:46 PM</p> <p>14 substitute for you for that you were not permitted</p> <p>15 to do?</p> <p>16 A. She didn't substitute for me. 04:47 PM</p> <p>17 Q. No. I mean, she substituted -- what 04:47 PM</p> <p>18 position did Mr. Rahemba substitute for?</p> <p>19 A. I don't know what the position was. 04:47 PM</p> <p>20 Q. Well, how do you know that she was 04:47 PM</p> <p>21 allowed to substitute for extra money while you</p> <p>22 were not?</p> <p>23 A. Because they make an announcement. 04:47 PM</p> <p>24 Q. What was the announcement? 04:47 PM</p> <p>25 A. The announcement is whatever it is 04:47 PM</p>	286	<p>1 Carol Melton</p> <p>2 A. It's at least one time. 04:48 PM</p> <p>3 Q. All right So you have some 04:48 PM</p> <p>4 recollection that during those two -- one of</p> <p>5 those -- was it both school years or one? If it</p> <p>6 was only one time, it can't be in two years.</p> <p>7 Which school year was it? 04:48 PM</p> <p>8 A. It could be in both school years. I 04:48 PM</p> <p>9 just don't recall.</p> <p>10 Q. If it was one time, it can't be in 04:48 PM</p> <p>11 both school years, Ms. Melton, by definition. Was</p> <p>12 it more than one for Ms. Rahemba? Was it more than</p> <p>13 once for Ms. Rahemba?</p> <p>14 A. It is possible it's more than once. 04:48 PM</p> <p>15 Q. I'm not asking what's possible. Do 04:48 PM</p> <p>16 you have a recollection of it happening more than</p> <p>17 once?</p> <p>18 A. Yes. 04:48 PM</p> <p>19 Q. Tell me the two sub positions that 04:48 PM</p> <p>20 Ms. Rahemba got, or if it's more, tell me more,</p> <p>21 that you think you should have gotten if that's</p> <p>22 what you're arguing.</p> <p>23 A. I'm really not sure what you're 04:49 PM</p> <p>24 asking.</p> <p>25 Q. Read paragraph 16. 04:49 PM</p>

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287	<p>1 Carol Melton</p> <p>2 A. I did. 04:49 PM</p> <p>3 Q. What non- -- you say Ms. Rahemba is 04:49 PM</p> <p>4 one of the non-black employees who was a Teaching</p> <p>5 Assistant allowed to substitute for extra money</p> <p>6 while you were not permitted to do so. What</p> <p>7 positions was she allowed to substitute for extra</p> <p>8 money during those two school years?</p> <p>9 A. I said she probably substituted -- 04:49 PM</p> <p>10 Q. I'm sorry. She said what? 04:49 PM</p> <p>11 A. She substituted for a teacher. 04:49 PM</p> <p>12 Probably substituted for a teacher.</p> <p>13 Q. Did you say probably? 04:49 PM</p> <p>14 A. Yes. 04:49 PM</p> <p>15 Q. Do you know if she did or didn't? As 04:49 PM</p> <p>16 opposed to probably, do you if she did or did not?</p> <p>17 A. O.K. You asked who she substituted 04:49 PM</p> <p>18 for.</p> <p>19 Q. Right. And I'm not asking about 04:49 PM</p> <p>20 probably. I'm asking what you know. Who did she</p> <p>21 substitute for?</p> <p>22 A. She would substitute for a teacher. 04:49 PM</p> <p>23 Q. What was the name of the teacher? 04:50 PM</p> <p>24 A. I don't know the name of the teacher. 04:50 PM</p> <p>25 Q. All right. When did this happen? 04:50 PM</p>
288	<p>1 Carol Melton</p> <p>2 A. I don't know -- recall that either. 04:50 PM</p> <p>3 Q. You're sure it happened during 04:50 PM</p> <p>4 2015-2016, 2016-2017 school years or could it have</p> <p>5 happened later or earlier?</p> <p>6 A. It happened during those days. 04:50 PM</p> <p>7 Q. During those school years. 04:50 PM</p> <p>8 A. During those school years. 04:50 PM</p> <p>9 Q. So it happened, with Ms. Rahemba, did 04:50 PM</p> <p>10 it happen during each of those school years?</p> <p>11 A. I don't recall. 04:50 PM</p> <p>12 Q. So it could be in only one of the 04:50 PM</p> <p>13 school years.</p> <p>14 A. That's possible. 04:50 PM</p> <p>15 Q. And it could only be once, right? 04:50 PM</p> <p>16 You're not sure if it happened more than once,</p> <p>17 right?</p> <p>18 A. I know it's at least once. 04:50 PM</p> <p>19 Q. And you know it's at least once 04:50 PM</p> <p>20 because you heard something over an intercom</p> <p>21 system?</p> <p>22 A. Yes. 04:50 PM</p> <p>23 Q. And the announcement was what? 04:50 PM</p> <p>24 A. The announcement was the daily 04:50 PM</p> <p>25 announcement to let --</p>
289	<p>1 Carol Melton</p> <p>2 Q. What was the announcement that 04:50 PM</p> <p>3 mentioned Ms. Rahemba and the substitute position?</p> <p>4 A. The announcements are when someone's 04:50 PM</p> <p>5 absent, they will say the teacher's name and the</p> <p>6 person who's substituting.</p> <p>7 Q. O.K. And they do this for -- well, 04:51 PM</p> <p>8 these years you were at Morse, right?</p> <p>9 A. Yes. 04:51 PM</p> <p>10 Q. All right. So at Morse do they 04:51 PM</p> <p>11 announce it for all the schools in the district or</p> <p>12 just for Morse?</p> <p>13 A. I don't -- I'm not aware if it's done 04:51 PM</p> <p>14 at the other schools.</p> <p>15 Q. If there's somebody being substituted 04:51 PM</p> <p>16 for and you hear on the Morse intercom, is that</p> <p>17 Morse intercom only talking about a substitution in</p> <p>18 Morse or is it talking about a substitution in</p> <p>19 Krieger school, for example?</p> <p>20 A. That's what I said. It's only talking 04:51 PM</p> <p>21 about Morse.</p> <p>22 Q. It would be only about the school 04:51 PM</p> <p>23 you're in.</p> <p>24 A. Only about the school we're in. 04:51 PM</p> <p>25 Q. Makes sense. 04:51 PM</p>
290	<p>1 Carol Melton</p> <p>2 So you're telling me there was a 04:51 PM</p> <p>3 announcement at one point that you recall about a</p> <p>4 substitute position at Morse, correct?</p> <p>5 A. Yes. 04:51 PM</p> <p>6 Q. And did this announcement say 04:51 PM</p> <p>7 Ms. Rahemba is filling this -- the position being</p> <p>8 filled, the subbing, was it subbing for a Teaching</p> <p>9 Assistant or it was subbing for a teacher?</p> <p>10 A. It's subbing for a teacher. 04:51 PM</p> <p>11 Q. So this is a teacher who's not there 04:51 PM</p> <p>12 and the Teaching Assistant goes in instead of the</p> <p>13 teacher?</p> <p>14 A. The teacher is absent. 04:52 PM</p> <p>15 Q. Is this one of these \$9 a period -- 04:52 PM</p> <p>16 A. Yes. 04:52 PM</p> <p>17 Q. -- benefits? Got it. O.K. 04:52 PM</p> <p>18 So there's an occasion, at least one 04:52 PM</p> <p>19 during one of these school years, 2015-2016 or</p> <p>20 2016-2017, where there was an announcement that</p> <p>21 mentioned Ms. Rahemba, is that what you're telling</p> <p>22 me?</p> <p>23 A. Yes. 04:52 PM</p> <p>24 Q. What did it say? 04:52 PM</p> <p>25 A. It just said so and so teacher is 04:52 PM</p>

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291	<p>1 Carol Melton</p> <p>2 absent and Ms. Rahemba is covering.</p> <p>3 Q. O.K. 04:52 PM</p> <p>4 A. That's the extent of it. 04:52 PM</p> <p>5 Q. All right. And you said that this 04:52 PM</p> <p>6 also happened with someone named Roman?</p> <p>7 A. Yes. 04:52 PM</p> <p>8 Q. What was her first name? 04:52 PM</p> <p>9 A. Donna. 04:52 PM</p> <p>10 Q. And how many times did it happen with 04:52 PM</p> <p>11 Donna Roman?</p> <p>12 A. I don't recall. 04:52 PM</p> <p>13 Q. More than once? 04:52 PM</p> <p>14 A. At least once. 04:52 PM</p> <p>15 Q. You recall once. 04:52 PM</p> <p>16 A. At least once. 04:52 PM</p> <p>17 Q. All right. Do you recall more than 04:52 PM</p> <p>18 one?</p> <p>19 A. I know at least once it happened. 04:52 PM</p> <p>20 Q. You have a recollection of hearing it 04:52 PM</p> <p>21 once, is that what you're saying?</p> <p>22 A. Yes, that's what I recall. 04:53 PM</p> <p>23 Q. O.K. And which school year was it in, 04:53 PM</p> <p>24 the one you recall?</p> <p>25 A. I don't remember which school year. 04:53 PM</p>	293
292	<p>1 Carol Melton</p> <p>2 Q. And what was the announcement in her 04:53 PM</p> <p>3 case?</p> <p>4 A. It would be the same. 04:53 PM</p> <p>5 Q. O.K. How many Teaching Assistants are 04:53 PM</p> <p>6 there at Morse?</p> <p>7 A. Now? 04:53 PM</p> <p>8 Q. In 2015-2016 and 2016-2017. 04:53 PM</p> <p>9 A. More than three. 04:53 PM</p> <p>10 Q. O.K. Well, there's you, Rahemba and 04:53 PM</p> <p>11 Roman, those are the at least three?</p> <p>12 A. Yes. 04:53 PM</p> <p>13 Q. All right. And how many more than 04:53 PM</p> <p>14 three were there?</p> <p>15 A. Well, there's more than three. 04:54 PM</p> <p>16 Q. Right, but more than three could be a 04:54 PM</p> <p>17 hundred, and I'm sure that's not what you mean.</p> <p>18 A. It's less than a hundred but -- 04:54 PM</p> <p>19 Q. How many Teaching Assistants are there 04:54 PM</p> <p>20 at Morse in each of these school years?</p> <p>21 A. At least six. 04:54 PM</p> <p>22 Q. So there are -- 04:54 PM</p> <p>23 A. 'Cause I don't remember the exact 04:54 PM</p> <p>24 number.</p> <p>25 Q. I understand. But at least six. 04:54 PM</p>	294
	<p>1 Carol Melton</p> <p>2 And so, in terms of making this 04:54 PM</p> <p>3 assignment, these two assignments you're talking</p> <p>4 about, what you have a recollection of is two</p> <p>5 people out of the six getting these symptoms during</p> <p>6 the 2015-2016 and 2016-2017 school year, is that</p> <p>7 what your testimony is? Two people at least one</p> <p>8 time each out of the six you had?</p> <p>9 A. Those two people that I mentioned. 04:55 PM</p> <p>10 Q. Out of the six that were there, at 04:55 PM</p> <p>11 least six that were there.</p> <p>12 A. Out of the six that were there. 04:55 PM</p> <p>13 Q. O.K. Ms. Rahemba, she's Caucasian? 04:55 PM</p> <p>14 A. She's Caucasian. 04:55 PM</p> <p>15 Q. And Ms. Roman, she's Caucasian? 04:55 PM</p> <p>16 A. Yes. 04:55 PM</p> <p>17 Q. And the other four, one of them is 04:55 PM</p> <p>18 you. You're African-American. What are the other</p> <p>19 two, minimum of two? Who were the other two?</p> <p>20 A. Some of the others are Caucasian. 04:55 PM</p> <p>21 Q. Well, there are two others. Were you 04:55 PM</p> <p>22 the only African-American Teaching Assistant at</p> <p>23 Morse during those years?</p> <p>24 A. No. 04:55 PM</p> <p>25 Q. So at least one of those other ones 04:55 PM</p>	

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295	<p>1 Carol Melton</p> <p>2 Q. All right. Well, those are the years 04:56 PM</p> <p>3 that you've alleged here.</p> <p>4 So in terms of what's alleged here, 04:56 PM</p> <p>5 your allegation is, in fact, that two Teaching</p> <p>6 Assistants, at least once each but you can't tell</p> <p>7 which school year were allowed to substitute or</p> <p>8 were announced as being substituting for an absent</p> <p>9 teacher; is that your allegation there?</p> <p>10 A. That they substituted over the 04:57 PM</p> <p>11 announcements and I heard it?</p> <p>12 Q. Two that you recall, right? 04:57 PM</p> <p>13 A. That I recall. 04:57 PM</p> <p>14 Q. Two for two white teachers. 04:57 PM</p> <p>15 A. I didn't say they were white teachers. 04:57 PM</p> <p>16 Q. Well, you said they were non-black. 04:57 PM</p> <p>17 Is Rahemba not Caucasian?</p> <p>18 A. Oh, you mean Teaching Assistants, yes. 04:57 PM</p> <p>19 Q. Yes. That's what the allegation is 04:57 PM</p> <p>20 about, Teaching Assistants. Did I say teachers?</p> <p>21 A. You did. 04:57 PM</p> <p>22 Q. I'm sorry, Teaching Assistants. 04:57 PM</p> <p>23 O.K., so is your claim that Rahemba 04:57 PM</p> <p>24 and Roman were announced as being substitutes for</p> <p>25 absent teachers at least once each in this</p>	297	<p>1 Carol Melton</p> <p>2 A. That's correct. 04:58 PM</p> <p>3 Q. The IEPs for the students in those 04:58 PM</p> <p>4 classes require there be a Teaching Assistant in</p> <p>5 the class, right?</p> <p>6 A. Yes. 04:58 PM</p> <p>7 Q. That's why it's mandated, right? 04:58 PM</p> <p>8 A. Yes. 04:58 PM</p> <p>9 Q. You can't pull a teacher out of a 04:58 PM</p> <p>10 mandated class if -- a Teaching Assistant, you</p> <p>11 can't pull a Teaching Assistant out of a mandated</p> <p>12 class without violating the IEPs of the students in</p> <p>13 the class, right? You know that, don't you? Don't</p> <p>14 you know that?</p> <p>15 A. I understand that. 04:59 PM</p> <p>16 Q. Right, O.K. 04:59 PM</p> <p>17 Ms. Rahemba, was she in a mandated 04:59 PM</p> <p>18 class at the time this announcement came out.</p> <p>19 A. I don't remember. 04:59 PM</p> <p>20 Q. Ms. Roman was she in a mandated class 04:59 PM</p> <p>21 at the time this announcement came out?</p> <p>22 A. You're -- by the time the announcement 04:59 PM</p> <p>23 came out is -- can you be more specific?</p> <p>24 Q. I can't because you're not more 04:59 PM</p> <p>25 specific in your allegation.</p>
296	<p>1 Carol Melton</p> <p>2 combination of school years was school of your race</p> <p>3 that you didn't get it, is that what you're</p> <p>4 claiming?</p> <p>5 A. What I'm claiming is that we were 04:57 PM</p> <p>6 not -- I was not permitted when I was in a mandated</p> <p>7 classroom to substitute. Mandated classes.</p> <p>8 Q. When you were in a mandated classroom, 04:58 PM</p> <p>9 they would not pull you out of that classroom to</p> <p>10 substitute for an absent teacher, is that what</p> <p>11 you're saying?</p> <p>12 A. No. 04:58 PM</p> <p>13 Q. You are saying that or you're not? 04:58 PM</p> <p>14 A. No, they would not pull me out. 04:58 PM</p> <p>15 Q. Right. But if you're in a mandated 04:58 PM</p> <p>16 classroom, you have to stay there, don't you?</p> <p>17 You're mandated, A Teaching Assistant is mandated</p> <p>18 for the classroom, right?</p> <p>19 A. That's what I believed. 04:58 PM</p> <p>20 Q. That's why it's called mandated, isn't 04:58 PM</p> <p>21 it?</p> <p>22 A. That's what it should be. 04:58 PM</p> <p>23 Q. Right. So if a class -- we've been 04:58 PM</p> <p>24 through this, mandated classrooms are special ed</p> <p>25 classes, correct?</p>	298	<p>1 Carol Melton</p> <p>2 A. O.K. So in those years when the 04:59 PM</p> <p>3 announcement came out, if the person was pulled</p> <p>4 from a mandatory class, that is what I'm saying.</p> <p>5 Q. Right. But you have no knowledge that 04:59 PM</p> <p>6 anybody was pulled out of a mandatory class, do</p> <p>7 you?</p> <p>8 A. Other than the announcement. 05:00 PM</p> <p>9 Q. Did the announcement say we're pulling 05:00 PM</p> <p>10 Ms. Rahemba out of a mandatory class?</p> <p>11 A. It doesn't say -- 05:00 PM</p> <p>12 Q. Of course not. 05:00 PM</p> <p>13 A. -- the class. 05:00 PM</p> <p>14 Q. All right. So let me do it again. 05:00 PM</p> <p>15 This is making very little sense to me.</p> <p>16 Your allegation, I think you're 05:00 PM</p> <p>17 telling me, is that they pulled others out of</p> <p>18 mandated classes but didn't pull you out of a</p> <p>19 mandated class; is that what your allegation is?</p> <p>20 A. They were assigned, yes. 05:00 PM</p> <p>21 Q. O.K., that's your allegation with 05:00 PM</p> <p>22 regard to these non-black employees getting these</p> <p>23 sub positions, right?</p> <p>24 A. Yes. 05:00 PM</p> <p>25 Q. But you have no knowledge that 05:00 PM</p>

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299	<p>1 Carol Melton</p> <p>2 Ms. Rahemba and Ms. Roman were in mandated classes</p> <p>3 when they were pulled out, correct? You don't know</p> <p>4 that, right?</p> <p>5 A. I don't recall. 05:00 PM</p> <p>6 Q. Right. So -- O.K. 05:00 PM</p> <p>7 And you know that, in fact, 05:00 PM</p> <p>8 teachers cannot -- Teaching Assistants cannot be</p> <p>9 pulled out of mandated classes unless they're</p> <p>10 substituted with another Teaching Assistant, right?</p> <p>11 Correct?</p> <p>12 A. I understand that rule. 05:01 PM</p> <p>13 Q. O.K. Let's move on. 05:01 PM</p> <p>14 Next paragraph is 17, and we may have 05:01 PM</p> <p>15 dealt with this, I just want to know if we did.</p> <p>16 "On or about July 1, 2016, the district hired union</p> <p>17 employees to fill summer extra assignment positions</p> <p>18 out of order of seniority." It says, I should have</p> <p>19 received a summer position that I was entitled to."</p> <p>20 Are these the cases in which you were 05:01 PM</p> <p>21 on the sub list? Is that what that's referring to?</p> <p>22 Were you on the sub list and junior Teaching</p> <p>23 Assistants to you got the summer extra assignment?</p> <p>24 A. I'm sorry, I'm reading this. 05:01 PM</p> <p>25 Q. Sure. 05:01 PM</p>	301
300	<p>1 Carol Melton</p> <p>2 A. I'm not sure if that's talking about 05:01 PM</p> <p>3 the ones we have already spoken about.</p> <p>4 Q. Well, I don't know either. What are 05:01 PM</p> <p>5 you talking about there?</p> <p>6 "On or about July 1, 2016, they filled 05:01 PM</p> <p>7 summer extra assignment positions out of order of</p> <p>8 seniority." Is that one of the ones we dealt with</p> <p>9 already?</p> <p>10 A. Yes. It could be, yes. 05:02 PM</p> <p>11 Q. Your best recollection -- your 05:02 PM</p> <p>12 understanding is that we already addressed that</p> <p>13 assignment during that your testimony today,</p> <p>14 correct?</p> <p>15 A. Yes. 05:02 PM</p> <p>16 Q. I certainly don't want to do it again. 05:02 PM</p> <p>17 First of all, let's talk about number 05:02 PM</p> <p>18 22 of your facts, which will get me to something.</p> <p>19 Twenty-two says, "During the 2015-2016 and the</p> <p>20 2016-2017 school year I was prevented from applying</p> <p>21 for any positions. The district even refuses to</p> <p>22 read my letter of intent emails." Now, when we</p> <p>23 were in court with Judge Smith, you provided me</p> <p>24 with three screenshots where you claimed that</p> <p>25 someone had not read your email, right?</p>	302

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303	<p>1 Carol Melton</p> <p>2 about sending receipt?</p> <p>3 A. Yes, but it covers the screen, so you 05:07 PM</p> <p>4 have to make a choice.</p> <p>5 Q. Right. The recipient of the email has 05:07 PM</p> <p>6 to either check a box to say yes or check a box for</p> <p>7 no or could check a box about don't ask me about</p> <p>8 sending receipts again, right?</p> <p>9 A. I don't know about that but I just 05:08 PM</p> <p>10 know about --</p> <p>11 Q. All right. I'll show you this. It 05:08 PM</p> <p>12 might be easiest to finish up.</p> <p>13 MR. RUSHFIELD: X. 05:08 PM</p> <p>14 (Whereupon, Defendant's 05:08 PM</p> <p>15 Exhibit X, screenshot of Microsoft</p> <p>16 Outlook request to send a receipt,</p> <p>17 one page, is marked for</p> <p>18 identification, as of this date.)</p> <p>19 Q. I'm showing you a receipt I got, a 05:08 PM</p> <p>20 request for a receipt I got from Sean Daneshvar,</p> <p>21 D-a-n-e-s-h-v-a-r. He's an employee of the</p> <p>22 district, is he not?</p> <p>23 A. Yes. 05:08 PM</p> <p>24 Q. She's actually their technological 05:08 PM</p> <p>25 guy, right?</p>	305
304	<p>1 Carol Melton</p> <p>2 A. Yes. 05:08 PM</p> <p>3 Q. And his statement, the statement that 05:08 PM</p> <p>4 I get, is that the same one that any recipient of</p> <p>5 your emails would get? You requested a read</p> <p>6 receipt be sent, do you want to send a receipt?</p> <p>7 Is that what you get when people send 05:09 PM</p> <p>8 you read requests?</p> <p>9 A. This could be it. 05:09 PM</p> <p>10 Q. Right. And it gives you a choice. 05:09 PM</p> <p>11 You can say don't ask me about sending receipts</p> <p>12 again, right?</p> <p>13 A. I don't know. 05:09 PM</p> <p>14 Q. And you have a choice, certainly you 05:09 PM</p> <p>15 have a choice of checking yes or no about whether</p> <p>16 you want to send a receipt, right? You don't deny</p> <p>17 that, do you?</p> <p>18 A. Yes, there's usually a yes or no. 05:09 PM</p> <p>19 Q. So if someone checks no, it doesn't 05:09 PM</p> <p>20 mean they didn't read your email. It just means</p> <p>21 they didn't want to send you a receipt, right?</p> <p>22 Right?</p> <p>23 A. It could be both. 05:09 PM</p> <p>24 Q. It would be either, right. It doesn't 05:09 PM</p> <p>25 mean by definition that they didn't read it.</p>	306

1 Carol Melton

2 First of all, if you don't get a read 05:09 PM

3 receipt, does that establish that it wasn't read or

4 just that you didn't get a read receipt?

5 A. It could establish both. 05:09 PM

6 Q. Or either, right? 05:09 PM

7 A. Or either. 05:09 PM

8 Q. And you don't know which happened in 05:09 PM

9 the cases reflected by Defendant's W. You don't

10 know if they just decided not to send a read

11 receipt, right?

12 A. I don't know. I guess. 05:10 PM

13 Q. So you were prevented from applying 05:10 PM

14 for positions. You're talking there about

15 positions outside of Teaching Assistant positions,

16 right? Correct?

17 A. It could be any position. 05:10 PM

18 Q. All right. We have already dealt with 05:10 PM

19 the Teaching Assistant positions. So let's deal

20 with the promotional positions.

21 You applied for positions that were 05:10 PM

22 promotional, in the nature of not being Teaching

23 Assistant positions but being at a higher level,

24 right?

25 A. Yes. 05:10 PM

1 Carol Melton

2 Q. And one of them was to be Coordinator 05:10 PM

3 of Elementary Instructional Technology? Did you

4 make an application for that position in

5 December of 2015?

6 A. I did apply for something about 05:11 PM

7 coordinator.

8 Q. Coordinator of Elementary 05:11 PM

9 Instructional Technology, do you recall making a

10 application for that position?

11 A. Yes. 05:11 PM

12 Q. O.K. Is that a position that you're 05:11 PM

13 claiming you were denied the -- prevented from

14 applying for at paragraph 22 of your complaint?

15 A. I don't know. I don't recall. I have 05:11 PM

16 to see.

17 Q. I'm sorry? 05:11 PM

18 A. I don't know. I don't remember. 05:11 PM

19 Q. Well, you have an allegation in this 05:11 PM

20 case that you were denied, in fact, I think you

21 said in your EEOC complaint by checking off a box,

22 you were denied promotions, right? That's what you

23 claimed, you were denied promotions?

24 A. Yes. 05:11 PM

25 Q. And don't you know what promotions 05:11 PM

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307	<p>1 Carol Melton</p> <p>2 you're claiming you were denied?</p> <p>3 A. I applied for many positions, some 05:11 PM</p> <p>4 with names that are very similar.</p> <p>5 Q. All right. You know what? It's easy 05:12 PM</p> <p>6 enough, easy-peasy.</p> <p>7 MR. RUSHFIELD: Off the record 05:12 PM</p> <p>8 for a moment.</p> <p>9 (Whereupon, there is a 05:12 PM</p> <p>10 discussion off the record.)</p> <p>11 MR. RUSHFIELD: Defendant's Y. 05:12 PM</p> <p>12 (Whereupon, Defendant's 05:12 PM</p> <p>13 Exhibit Y, 12/14/15 three-page email,</p> <p>14 from Carol Melton to Dr. Ronel Cook,</p> <p>15 one-page Please Post notice, and job</p> <p>16 description for Coordinator of Elementary</p> <p>17 Instructional Technology, is marked for</p> <p>18 identification, as of this date.)</p> <p>19 Q. Showing you what's been marked as 05:13 PM</p> <p>20 Defendant's Y, Ms. Melton, and you'll note that the</p> <p>21 cover page is an email from you in which you</p> <p>22 express your interest in this position, right?</p> <p>23 A. Yes. 05:13 PM</p> <p>24 Q. O.K. If you go back four pages you'll 05:13 PM</p> <p>25 see a Please Post notice for that position. Do you</p>	309	<p>1 Carol Melton</p> <p>2 Certification required." Do you have a New York</p> <p>3 State Administrative Certification?</p> <p>4 A. No. 05:14 PM</p> <p>5 Q. O.K. If you go down to four, it says, 05:15 PM</p> <p>6 "Minimum of five years successful experience as a</p> <p>7 classroom teacher and administrator." Do you have</p> <p>8 any years of experience as a classroom teacher or</p> <p>9 administrator?</p> <p>10 A. I don't have four. 05:15 PM</p> <p>11 Q. No, there's no numbers on it. It's 05:15 PM</p> <p>12 page 431.</p> <p>13 A. That's the page I'm on. 05:15 PM</p> <p>14 Q. All right. Look at Qualifications. 05:15 PM</p> <p>15 Under Qualifications go four down, do you see that,</p> <p>16 "Minimum of five years successful experience as a</p> <p>17 classroom teacher and administrator"? Do you see</p> <p>18 that?</p> <p>19 A. Yes. 05:15 PM</p> <p>20 Q. Do you have that? Ms. Melton? 05:15 PM</p> <p>21 A. No. 05:15 PM</p> <p>22 Q. And then it says "SDA or SDL 05:15 PM</p> <p>23 Certification." Do you have either of those?</p> <p>24 A. No. 05:15 PM</p> <p>25 Q. Were you qualified for this position 05:15 PM</p>
308	<p>1 Carol Melton</p> <p>2 see that?</p> <p>3 A. Yes. 05:13 PM</p> <p>4 Q. And it says "Qualifications: 05:13 PM</p> <p>5 Minimally a Master's Degree from an accredited</p> <p>6 college or university." Do you have a Master's</p> <p>7 Degree?</p> <p>8 A. Yes. 05:14 PM</p> <p>9 Q. Then it says, "Appropriate New York 05:14 PM</p> <p>10 State SAS, SBL, SDA, or SDL certification." Do you</p> <p>11 have any of those?</p> <p>12 A. No. 05:14 PM</p> <p>13 Q. Then it says, "Administrative 05:14 PM</p> <p>14 Experience Preferred." Have you ever acted as an</p> <p>15 administrator, Ms. Melton?</p> <p>16 A. Not in -- as a principal 05:14 PM</p> <p>17 administrator.</p> <p>18 Q. Not as an administrator in a school 05:14 PM</p> <p>19 district, right?</p> <p>20 A. Not in that particular context. 05:14 PM</p> <p>21 Q. Then you'll see a job description on 05:14 PM</p> <p>22 the next page. Do you see it says, "Job</p> <p>23 Description" and "Instructional Technology</p> <p>24 Coordinator," and that has qualifications, too, and</p> <p>25 that says "New York State Administrative</p>	310	<p>1 Carol Melton</p> <p>2 that you applied for?</p> <p>3 MR. WATSON: Objection. 05:16 PM</p> <p>4 Q. Did you meet the minimal 05:16 PM</p> <p>5 qualifications?</p> <p>6 A. Not as they're stated. 05:16 PM</p> <p>7 Q. O.K. Are you claiming you were denied 05:16 PM</p> <p>8 this position on account of your race? Yes or no.</p> <p>9 A. Could be. 05:16 PM</p> <p>10 Q. I'm sorry? 05:16 PM</p> <p>11 A. Maybe. 05:16 PM</p> <p>12 Q. Maybe? You've brought a complaint 05:16 PM</p> <p>13 claiming you were denied promotions and it's either</p> <p>14 race discrimination or --</p> <p>15 A. Retaliation. 05:16 PM</p> <p>16 Q. -- or retaliation, and you acknowledge 05:16 PM</p> <p>17 you don't meet the minimum qualifications for the</p> <p>18 position.</p> <p>19 So I ask you again, are you claiming 05:16 PM</p> <p>20 in this case that you were subject to race</p> <p>21 discrimination because you didn't get that</p> <p>22 position?</p> <p>23 A. It's a -- this requires more 05:16 PM</p> <p>24 explanation.</p> <p>25 Q. Do you meet the minimum 05:16 PM</p>

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311	<p>1 Carol Melton</p> <p>2 qualifications? Yes or no.</p> <p>3 A. Not as it's stated. 05:16 PM</p> <p>4 Q. O.K., thank you. You can return that 05:16 PM</p> <p>5 to me.</p> <p>6 Do you have any evidence that your 05:16 PM</p> <p>7 denial of this position was on account of your</p> <p>8 race? Anything.</p> <p>9 A. I'm not sure what you're asking. 05:17 PM</p> <p>10 Q. Do you have -- simple question. You 05:17 PM</p> <p>11 don't meet the minimum qualifications; you</p> <p>12 acknowledge you don't meet the minimal</p> <p>13 qualifications for the position. I'm asking, do</p> <p>14 you have any information, any evidence you can</p> <p>15 provide, either, that would arguably establish that</p> <p>16 you didn't get this position because you're</p> <p>17 African-American?</p> <p>18 A. No, not at this time. 05:17 PM</p> <p>19 Q. Do you have any information or 05:17 PM</p> <p>20 evidence that would support a contention that you</p> <p>21 were denied this position in retaliation for your</p> <p>22 EEOC complaint?</p> <p>23 A. No, not at this time. 05:17 PM</p> <p>24 Q. Thank you. 05:17 PM</p> <p>25 MR. RUSHFIELD: The next one is 05:18 PM</p>	313	<p>1 Carol Melton</p> <p>2 an email from you dated October 5, 2016, Bates</p> <p>3 stamp number 62. Can you go to that page?</p> <p>4 A. Yes, I have it. 05:20 PM</p> <p>5 Q. In fact, in October of 2016, you 05:20 PM</p> <p>6 applied for the position of Assistant Principal,</p> <p>7 right?</p> <p>8 A. Yes. 05:20 PM</p> <p>9 Q. According to the first page of this 05:20 PM</p> <p>10 exhibit, you also applied for that position in</p> <p>11 April of 2015, right? Ms. Melton, first page?</p> <p>12 A. Yes. 05:20 PM</p> <p>13 Q. O.K. Now, let's go to -- do you need 05:20 PM</p> <p>14 a glass of water Ms. Melton?</p> <p>15 A. No, I don't want to drink too much 05:21 PM</p> <p>16 water.</p> <p>17 Q. I'd like you to go four pages from the 05:21 PM</p> <p>18 back.</p> <p>19 A. That's four pages from the back. 05:21 PM</p> <p>20 Q. From the back of the exhibit, yes. 05:21 PM</p> <p>21 Then I will bring you to the rest of it.</p> <p>22 This appears to be a posting for 05:21 PM</p> <p>23 Elementary Assistant Principal. Qualifications</p> <p>24 say, "Appropriate New York State SAS, SBL, SDA or</p> <p>25 SDL certification." Do you have any of those?</p>
312	<p>1 Carol Melton</p> <p>2 Z.</p> <p>3 (Whereupon, Defendant's 05:18 PM</p> <p>4 Exhibit Z, nine pages of</p> <p>5 correspondence between Carol</p> <p>6 Melton and Dr. Ronel Cook re</p> <p>7 Assistant Principal positions,</p> <p>8 three Please Posts, four pages, is</p> <p>9 marked for identification, as of</p> <p>10 this date.)</p> <p>11 Q. Showing you, Ms. Melton, what we have 05:18 PM</p> <p>12 marked as Defendant's Z, it's a series of emails</p> <p>13 and documents, and in a moment I'm going to ask you</p> <p>14 about this position.</p> <p>15 Did you apply for the position of 05:19 PM</p> <p>16 Assistant Principal in 2015?</p> <p>17 A. Yes. 05:19 PM</p> <p>18 Q. O.K. And did you apply for this 05:19 PM</p> <p>19 position again in 2016? If you go to page numbered</p> <p>20 62, which is four pages in, you'll see a reference</p> <p>21 to that.</p> <p>22 O.K., Ms. Melton, did you apply for it 05:20 PM</p> <p>23 in 2016 as well?</p> <p>24 A. I'm reading it. 05:20 PM</p> <p>25 Q. The fourth page in, Ms. Melton, has a 05:20 PM</p>	314	<p>1 Carol Melton</p> <p>2 A. No. 05:21 PM</p> <p>3 Q. It also says, "Experience as a 05:22 PM</p> <p>4 teacher." Have you ever been a teacher?</p> <p>5 A. Not a certified teacher, no. 05:22 PM</p> <p>6 Q. You've only been a Teaching Assistant, 05:22 PM</p> <p>7 right?</p> <p>8 A. In this school district, yes. 05:22 PM</p> <p>9 Q. Right. The next-to-last page of this 05:22 PM</p> <p>10 document.</p> <p>11 A. You said the next-to-last? 05:22 PM</p> <p>12 Q. Next-to-last, yes, next-to-last. That 05:22 PM</p> <p>13 also has a Please Post for Assistant Principal</p> <p>14 Secondary. "Qualifications: New York State</p> <p>15 Administrative Certification," you don't have that,</p> <p>16 do you?</p> <p>17 A. No. 05:22 PM</p> <p>18 Q. "Previous Administrative experience 05:22 PM</p> <p>19 preferred," you don't have any administrative</p> <p>20 experience, right?</p> <p>21 A. Not in the context you're asking. 05:22 PM</p> <p>22 Q. O.K. Let's go to the last page, which 05:22 PM</p> <p>23 is a posting for two Assistant Principal-Secondary</p> <p>24 again. That has the same two requirements of New</p> <p>25 York State Administrative Certification and</p>

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315	<p>1 Carol Melton</p> <p>2 previous administrative experience preferred,</p> <p>3 right?</p> <p>4 A. Yes. 05:23 PM</p> <p>5 Q. You don't have those, right? 05:23 PM</p> <p>6 A. I don't have the New York State 05:23 PM</p> <p>7 Administrative Certification.</p> <p>8 Q. Now, if we go four pages into the 05:23 PM</p> <p>9 exhibit?</p> <p>10 A. From the back? 05:23 PM</p> <p>11 Q. From the front, please. There's an 05:23 PM</p> <p>12 email here in which Dr. Cook, in 2016, says,</p> <p>13 "Please email me a copy of your Administrative</p> <p>14 Certificate for consideration." Do you know what</p> <p>15 he was referring to?</p> <p>16 A. Yes. 05:24 PM</p> <p>17 Q. What was he referring to? 05:24 PM</p> <p>18 A. He was asking for Administrative 05:24 PM</p> <p>19 Certification.</p> <p>20 Q. And that's something you don't 05:24 PM</p> <p>21 possess, right?</p> <p>22 A. No, I do not possess that. 05:24 PM</p> <p>23 Q. O.K. Your response was, "I have 05:24 PM</p> <p>24 access to receive an internship certificate and</p> <p>25 traditional D just like many other colleagues here</p>	317	<p>1 Carol Melton</p> <p>2 A. Ms. Jackson IV. 05:25 PM</p> <p>3 Q. And who's Jackson IV. 05:25 PM</p> <p>4 A. A few people. 05:25 PM</p> <p>5 Q. I'm sorry? 05:25 PM</p> <p>6 A. A few people. 05:25 PM</p> <p>7 Q. O.K. And had you completed the 05:25 PM</p> <p>8 process of getting the internship certificate?</p> <p>9 A. That's -- no, that's not how it works. 05:25 PM</p> <p>10 Q. Well, how do you get an internship 05:25 PM</p> <p>11 certificate?</p> <p>12 A. The intern certificate is when you're 05:25 PM</p> <p>13 offered a position.</p> <p>14 Q. So in order to get the internship 05:25 PM</p> <p>15 certificate you have to be offered, let's say, an</p> <p>16 Assistant Principal position even though you don't</p> <p>17 meet the minimal qualifications for the position;</p> <p>18 is that what your testimony is?</p> <p>19 A. Well, you can't get an internship 05:25 PM</p> <p>20 certificate unless you enrolled in SBL, SDL</p> <p>21 Certification program.</p> <p>22 Q. Had you done that as of October of 05:26 PM</p> <p>23 2016?</p> <p>24 A. Yes. 05:26 PM</p> <p>25 Q. And had you completed that program? 05:26 PM</p>
316	<p>1 Carol Melton</p> <p>2 in the PCS.D. Once an offer of employment position</p> <p>3 was made, then I will proceed to the subsequent</p> <p>4 steps." It says here "have access to receive an</p> <p>5 internship certificate." Did you have an</p> <p>6 internship certificate?</p> <p>7 A. It's says I have access to receive 05:24 PM</p> <p>8 one.</p> <p>9 Q. Right. Did you have one yet? 05:24 PM</p> <p>10 A. And it also says "once an offer of 05:24 PM</p> <p>11 employment is made" --</p> <p>12 Q. Listen to my question. It's a simple 05:24 PM</p> <p>13 question.</p> <p>14 A. O.K. 05:24 PM</p> <p>15 Q. It says, "I have access to receive an 05:24 PM</p> <p>16 internship certificate," and I'm trying to see what</p> <p>17 that means. Did you in October of 2016 when you</p> <p>18 wrote that email, did you yet have an internship</p> <p>19 certificate? Yes or no.</p> <p>20 A. I did not yet have the internship 05:25 PM</p> <p>21 certificate.</p> <p>22 Q. Had you ever served as an intern? Yes 05:25 PM</p> <p>23 or no.</p> <p>24 A. Yes. 05:25 PM</p> <p>25 Q. Who had you interned with? 05:25 PM</p>	318	<p>1 Carol Melton</p> <p>2 A. No, I have not completed it. 05:26 PM</p> <p>3 Q. Have you completed it as of now? 05:26 PM</p> <p>4 A. No, I have not completed it. 05:26 PM</p> <p>5 Q. This traditional D, what's a 05:26 PM</p> <p>6 traditional D? Or is it a Transitional D?</p> <p>7 A. Tran... 05:26 PM</p> <p>8 Q. What's it supposed to be? 05:26 PM</p> <p>9 A. It's a Transitional D. 05:26 PM</p> <p>10 Q. What's a Transitional D? 05:26 PM</p> <p>11 A. A Transitional D is a certification 05:26 PM</p> <p>12 that's given to an individual that is enrolled in</p> <p>13 an SDL/SBL Certification program.</p> <p>14 Q. Had you ever gotten one? 05:26 PM</p> <p>15 A. You do not get one until you are 05:26 PM</p> <p>16 offered a position.</p> <p>17 Q. Well, why would the district offer you 05:26 PM</p> <p>18 a position that you don't meet the minimum</p> <p>19 qualifications for in order for you to be able to</p> <p>20 try to qualify if it can find people who are</p> <p>21 already qualified? What motive would the district</p> <p>22 have to do that that you can testify to?</p> <p>23 A. I can't speak to the district's 05:26 PM</p> <p>24 motives. I just know eligible based on being</p> <p>25 enrolled in an SBL/SDL program to get a position as</p>

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319	<p>1 Carol Melton</p> <p>2 an assistant principal or a position that requires</p> <p>3 that certification under the internship certificate</p> <p>4 and/or the Transitional D.</p> <p>5 Q. Is there another route one can get -- 05:27 PM</p> <p>6 how do people normally get an Administrative</p> <p>7 Certificate. How do people normally get these</p> <p>8 certifications? Do they have to take classes?</p> <p>9 New York State Administrative 05:27 PM</p> <p>10 Certification, how do you normally get it?</p> <p>11 A. It depends on which year you're 05:27 PM</p> <p>12 talking about.</p> <p>13 Q. In 2015-2016, 2016-2017, how do you 05:27 PM</p> <p>14 get it?</p> <p>15 A. Currently, you would have to be 05:27 PM</p> <p>16 enrolled in that program.</p> <p>17 Q. And you would have to complete the 05:27 PM</p> <p>18 program to get the certificate, right?</p> <p>19 A. No. You do not have to complete the 05:28 PM</p> <p>20 program to get the certificate.</p> <p>21 Q. Let's says, like here, the document 05:28 PM</p> <p>22 says that the minimum qualification for the</p> <p>23 position is you have that certificate. Is it your</p> <p>24 testimony that no one has that certificate until</p> <p>25 they've been offered an administrative position?</p>	321	<p>1 Carol Melton</p> <p>2 A. I believe what I said was is not in 05:29 PM</p> <p>3 the context of it. I'm really trying to explain it</p> <p>4 to you because --</p> <p>5 Q. Well, tell me what experience as a 05:29 PM</p> <p>6 teacher would you assert.</p> <p>7 A. So experience as a teacher is you can 05:29 PM</p> <p>8 work as a substitute teacher for X amount of --</p> <p>9 there is a -- cumulative hours that the state will</p> <p>10 accept as having experience as a teacher in a</p> <p>11 classroom.</p> <p>12 Q. And you get something from the State 05:29 PM</p> <p>13 saying that you meet that qualification?</p> <p>14 A. That's correct. 05:29 PM</p> <p>15 Q. Do you have that? 05:29 PM</p> <p>16 A. I'm giving you examples. That's one 05:29 PM</p> <p>17 example.</p> <p>18 Q. Do you have that one? 05:30 PM</p> <p>19 A. I do not have that one. 05:30 PM</p> <p>20 Q. All right. Is there another way you 05:30 PM</p> <p>21 meet experience as a teacher qualification?</p> <p>22 A. The other way is if you -- the 05:30 PM</p> <p>23 district does not have a certified teacher</p> <p>24 available to facilitate a classroom, and so, the</p> <p>25 district can have an uncertified individual in the</p>
320	<p>1 Carol Melton</p> <p>2 Is that what you're telling me?</p> <p>3 A. That's what I'm saying. 05:28 PM</p> <p>4 Q. So it's your understanding that the 05:28 PM</p> <p>5 people who got those positions didn't have</p> <p>6 Administrative Certificates before they got them?</p> <p>7 A. That's correct. 05:28 PM</p> <p>8 Q. Who got the Assistant Principal 05:28 PM</p> <p>9 Administrative positions that you claim you should</p> <p>10 have received?</p> <p>11 A. I don't know because I don't know 05:28 PM</p> <p>12 which schools they were.</p> <p>13 Q. Well, the Elementary Assistant 05:28 PM</p> <p>14 Principal posting said you had to have experience</p> <p>15 as a teacher, so you wouldn't have qualified for</p> <p>16 that one anyway, right? Right?</p> <p>17 A. Not as it's stated in -- 05:29 PM</p> <p>18 Q. In terms of -- 05:29 PM</p> <p>19 MR. WATSON: Let her finish. 05:29 PM</p> <p>20 A. -- the context of this. 05:29 PM</p> <p>21 Q. In terms of what they're saying are 05:29 PM</p> <p>22 the minimum qualifications, you didn't have --</p> <p>23 you're saying you might be able to get one, but you</p> <p>24 didn't have the other, the experience as a teacher,</p> <p>25 right?</p>	322	<p>1 Carol Melton</p> <p>2 classroom.</p> <p>3 Q. Serving as the teacher of the 05:30 PM</p> <p>4 classroom?</p> <p>5 A. Serving as the teacher of the 05:30 PM</p> <p>6 classroom.</p> <p>7 Q. And for how long do you have to do 05:30 PM</p> <p>8 that?</p> <p>9 A. I believe it's three to five years. 05:30 PM</p> <p>10 Q. Did you do that? 05:30 PM</p> <p>11 A. Yes, I did. 05:30 PM</p> <p>12 Q. So you served as the only teacher in a 05:30 PM</p> <p>13 classroom at the Poughkeepsie City School District</p> <p>14 for three years?</p> <p>15 A. It was actually five years. 05:30 PM</p> <p>16 Q. Where was that? 05:31 PM</p> <p>17 A. It was at the Circle of Courage. 05:31 PM</p> <p>18 Q. And there was no teacher in the class? 05:31 PM</p> <p>19 A. There was no teacher. 05:31 PM</p> <p>20 Q. For three to five -- for five years. 05:31 PM</p> <p>21 A. That's correct. 05:31 PM</p> <p>22 Q. And did you get some type of 05:31 PM</p> <p>23 certificate based on that?</p> <p>24 A. I got a paper signed that I was acting 05:31 PM</p> <p>25 as a teacher.</p>

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323	<p>1 Carol Melton</p> <p>2 Q. O.K. Did you bring that piece of 05:31 PM</p> <p>3 paper to the attention of Dr. Cook?</p> <p>4 A. Dr. Cook was told several times. 05:31 PM</p> <p>5 Q. Well, you told Dr. Cook that you had 05:31 PM</p> <p>6 five years teaching experience? Yes?</p> <p>7 A. I don't think that that was the main 05:31 PM</p> <p>8 thing. You can have five years teaching experience</p> <p>9 and certified but you still need the administrative</p> <p>10 portion in order to be an administrator, so even if</p> <p>11 I -- I'm sorry.</p> <p>12 Q. No go ahead? 05:31 PM</p> <p>13 A. So even if I were a certified teacher 05:31 PM</p> <p>14 and I did 30 years, that still would not permit me</p> <p>15 to be in an administrative role. I still would</p> <p>16 need that extra component.</p> <p>17 Q. O.K. 05:32 PM</p> <p>18 A. Ideally, you should have both. 05:32 PM</p> <p>19 Q. Well, are you claiming that you were 05:32 PM</p> <p>20 denied assistant principal positions also in 2015</p> <p>21 and 2016 because of your race, 'cause your</p> <p>22 African-American? Yes or no.</p> <p>23 A. I don't know about that. 05:32 PM</p> <p>24 Q. Are you claiming you were denied 05:32 PM</p> <p>25 assistant principal positions in April of 2015 in</p>	325	<p>1 Carol Melton</p> <p>2 would be unlawful?</p> <p>3 A. What I said was that when I applied 05:33 PM</p> <p>4 for these positions, at the time I was not given</p> <p>5 the same opportunity.</p> <p>6 Q. Is that race or is that retaliation? 05:33 PM</p> <p>7 A. It could be both. 05:33 PM</p> <p>8 Q. Well, what would the retaliation be 05:33 PM</p> <p>9 for?</p> <p>10 I keep asking the same question. I'm 05:33 PM</p> <p>11 still waiting for an answer.</p> <p>12 A. I don't know. I can't attest to what 05:33 PM</p> <p>13 the person who is in charge...</p> <p>14 Q. Had you engaged in any complaints of 05:34 PM</p> <p>15 civil rights violations prior to December 31, 2015</p> <p>16 at the district? Had you made any complaints of</p> <p>17 civil rights violations against you?</p> <p>18 A. No. 05:34 PM</p> <p>19 Q. So was there any activity you engaged 05:34 PM</p> <p>20 in that would support your claim that in 2015 you</p> <p>21 were denied an assistant principal position because</p> <p>22 it was retaliation for some civil rights complaint?</p> <p>23 A. I don't understand "activity" that I 05:34 PM</p> <p>24 was engaged in.</p> <p>25 Q. Do you understand when you filed an 05:34 PM</p>
324	<p>1 Carol Melton</p> <p>2 retaliation for something?</p> <p>3 A. Yes, I do. 05:32 PM</p> <p>4 Q. Retaliation for what? 05:32 PM</p> <p>5 A. Because I wasn't given the same 05:32 PM</p> <p>6 opportunity.</p> <p>7 Q. Retaliation for what conduct that you 05:32 PM</p> <p>8 had engaged in were you denied consideration as an</p> <p>9 assistant principal in 2015?</p> <p>10 A. I'm not sure what you're asking, 05:32 PM</p> <p>11 Mr. Rushfield.</p> <p>12 Q. I'll rephrase it. I asked you 05:33 PM</p> <p>13 whether -- you said you're not sure about race, but</p> <p>14 you believe you were denied the position in 2015</p> <p>15 because of retaliation. If December of 2015 is</p> <p>16 when you first filed a complaint with the EEOC, and</p> <p>17 it wouldn't surprise you that they didn't even know</p> <p>18 you had done so until May of 2016, in April of</p> <p>19 2015, or thereabouts, what would the retaliation be</p> <p>20 for? What conduct would you have engaged in that</p> <p>21 you're claiming they retaliated against you for</p> <p>22 then?</p> <p>23 A. Well, there are many issues. 05:33 PM</p> <p>24 Q. What conduct that you engaged in are 05:33 PM</p> <p>25 you claiming was protected so that retaliation</p>	326	<p>1 Carol Melton</p> <p>2 EEOC complaint, that's a protected activity? Do</p> <p>3 you understand into?</p> <p>4 A. Oh, yes. Now I understand. 05:34 PM</p> <p>5 Q. Well, we know you did that. We know 05:34 PM</p> <p>6 you did that.</p> <p>7 A. O.K. 05:34 PM</p> <p>8 Q. I'm trying to figure out what other 05:34 PM</p> <p>9 protected activity you engaged in that you're</p> <p>10 claiming this could have been retaliation for, this</p> <p>11 April 15, 2015 denial of an assistant principal</p> <p>12 position, and I'm still waiting to hear.</p> <p>13 What protected activity did you engage 05:35 PM</p> <p>14 in that you claim to have been retaliated against</p> <p>15 in April of 2015?</p> <p>16 A. Well, union work is a protected 05:35 PM</p> <p>17 activity.</p> <p>18 Q. Right. And is it one of your claims 05:35 PM</p> <p>19 in this case that union activities are why you were</p> <p>20 denied these promotional opportunities?</p> <p>21 A. I don't remember if I put that in 05:35 PM</p> <p>22 there.</p> <p>23 Q. I'm not saying you put it in there 05:35 PM</p> <p>24 I'm just trying to figure out if that's what you're</p> <p>25 claiming.</p>

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327	<p>1 Carol Melton</p> <p>2 Are you claiming that one of the 05:35 PM</p> <p>3 factors involved in you not getting these</p> <p>4 promotional positions was your union activities?</p> <p>5 Yes or no.</p> <p>6 A. No, I'm not claiming that at this 05:35 PM</p> <p>7 time. No.</p> <p>8 Q. What do you mean at this time? 05:35 PM</p> <p>9 A. I'm not claiming that the union 05:35 PM</p> <p>10 activity was a component.</p> <p>11 Q. O.K. So I ask you again. Union 05:35 PM</p> <p>12 activity you're not claiming.</p> <p>13 What activity did you engage in prior 05:35 PM</p> <p>14 to the filling of the position that was posted or</p> <p>15 that was available in April of 2015 for assistant</p> <p>16 principal that you were retaliated against for?</p> <p>17 A. I'm trying to say, but I guess -- 05:36 PM</p> <p>18 Q. Tell me. 05:36 PM</p> <p>19 A. What I said was I applied for these 05:36 PM</p> <p>20 positions and I was not given the same opportunity.</p> <p>21 Q. I know all that, Ms. Melton. That's 05:36 PM</p> <p>22 clear. I understand what you're claiming. You</p> <p>23 didn't get the position. We know you didn't get</p> <p>24 the position. We know there are issues of your</p> <p>25 qualifications for.</p>
328	<p>1 Carol Melton</p> <p>2 What I'm asking you is what was the 05:36 PM</p> <p>3 activity -- if you're claiming retaliation here,</p> <p>4 which is what you told me you're claiming,</p> <p>5 retaliation for your doing what?</p> <p>6 A. Well, you asked if it was based on 05:36 PM</p> <p>7 race.</p> <p>8 Q. Right, and you told me it wasn't. 05:36 PM</p> <p>9 A. And I said it wasn't. 05:36 PM</p> <p>10 Q. Right. And then -- 05:36 PM</p> <p>11 A. Not that I know of. 05:36 PM</p> <p>12 Q. And then you said retaliation? 05:36 PM</p> <p>13 A. And then you said retaliation and I 05:36 PM</p> <p>14 said it could be.</p> <p>15 Q. Right. Retaliation for what? 05:36 PM</p> <p>16 A. I don't know. 05:36 PM</p> <p>17 Q. O.K., I'll move on. 05:36 PM</p> <p>18 A. 'Cause I don't know what the district 05:36 PM</p> <p>19 is thinking, or the person.</p> <p>20 Q. You're not claiming you engaged in 05:36 PM</p> <p>21 some protected activity that it would have been</p> <p>22 retaliation for, right? You have no protected</p> <p>23 activity that your alleging, right?</p> <p>24 A. Not at this time, no. 05:37 PM</p> <p>25 MR. RUSHFIELD: Defendant's AA. 05:37 PM</p>
329	<p>1 Carol Melton</p> <p>2 (Whereupon, Defendant's 05:37 PM</p> <p>3 Exhibit AA, letter and emails between</p> <p>4 Carol Melton and Tracy Farrell re</p> <p>5 Elementary Instructional Leader/Assistant</p> <p>6 Principal position, four pages, and</p> <p>7 one-page Please Post, is marked for</p> <p>8 identification, as of this date.)</p> <p>9 Q. Showing you Defendant's AA, this 05:38 PM</p> <p>10 appears to be a position for Elementary</p> <p>11 Instructional Leader/Assistant Principal. Is this</p> <p>12 a position that you claim you were denied because</p> <p>13 of your race or retaliation for some protected</p> <p>14 activity?</p> <p>15 A. I don't remember if this is one. The 05:39 PM</p> <p>16 titles are so much the same.</p> <p>17 Q. I'd ask, Ms. Melton, if you are 05:39 PM</p> <p>18 speaking to yourself, don't speak out loud because</p> <p>19 it all gets taken down.</p> <p>20 A. No. I was actually speaking to you. 05:39 PM</p> <p>21 You asked me.</p> <p>22 Q. I asked you whether you applied for 05:39 PM</p> <p>23 this position, and I'm waiting for an answer. It's</p> <p>24 either yes, no, or I don't know or I don't</p> <p>25 remember. Those are your options, it seems to me.</p>
330	<p>1 Carol Melton</p> <p>2 A. Yes, I applied for this position. 05:39 PM</p> <p>3 Q. Second question is, are you claiming 05:39 PM</p> <p>4 that this position was one you were denied</p> <p>5 promotion in this litigation for during 2015-2016</p> <p>6 school year and the basis of your race or in</p> <p>7 retaliation for some kind of protected activity?</p> <p>8 A. And I said that I can't recall if this 05:39 PM</p> <p>9 particular position was one of them.</p> <p>10 Q. So you don't know if it is or isn't, 05:40 PM</p> <p>11 correct?</p> <p>12 A. I don't know. Because I said the 05:40 PM</p> <p>13 titles are very similar.</p> <p>14 Q. I'm not asking you to explain it to 05:40 PM</p> <p>15 me. I'm just asking you whether you can say, and</p> <p>16 you're telling me that you can't tell me whether</p> <p>17 this is one of the positions involved in your</p> <p>18 complaint or not, correct?</p> <p>19 A. No, I can't remember that. 05:40 PM</p> <p>20 Q. O.K. This position has, according to 05:40 PM</p> <p>21 the last page, again has "Appropriate New York</p> <p>22 State SAS, SBL, SDA or SDL Certification." You</p> <p>23 don't have those, right?</p> <p>24 A. That's correct. 05:40 PM</p> <p>25 Q. You can return that to me. 05:40 PM</p>

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331	<p>1 Carol Melton</p> <p>2 MR. RUSHFIELD: BB. 05:41 PM</p> <p>3 (Whereupon, Defendant's 05:41 PM</p> <p>4 Exhibit BB, 9/30/16 emails and</p> <p>5 correspondence between Carol Melton, Dr.</p> <p>6 Ronel Cook and Angelo Aiello re Director</p> <p>7 of Technology position, three pages, and</p> <p>8 two-page Please Post, is marked for</p> <p>9 identification, as of this date.)</p> <p>10 Q. Showing you Defendant's BB, this 05:41 PM</p> <p>11 includes a letter of interest for the Director of</p> <p>12 Technology position. This appears at or about</p> <p>13 submitted in 2013. Did you apply -- then let's see</p> <p>14 if there's any more. They're all 2013.</p> <p>15 Did you apply for this position 05:42 PM</p> <p>16 outside of 2013.</p> <p>17 A. Yes. 05:42 PM</p> <p>18 Q. O.K. Well, when did you apply for the 05:42 PM</p> <p>19 position of Director of Technology?</p> <p>20 A. It appears on this email that it was 05:42 PM</p> <p>21 in 2013.</p> <p>22 Q. Right. You said you applied again. 05:42 PM</p> <p>23 Did you apply in 2015-2016 or 2016-2017 school</p> <p>24 years?</p> <p>25 A. I applied for a similar position. 05:42 PM</p>	333	<p>1 Carol Melton</p> <p>2 A. No. 05:43 PM</p> <p>3 Q. And on the second page of this 05:44 PM</p> <p>4 document, under Required Education and Experiences,</p> <p>5 it lists at least one year of supervisory or</p> <p>6 administrative experience. Do you have a year of</p> <p>7 supervisory or administrative experience?</p> <p>8 A. You said on the last page? 05:44 PM</p> <p>9 Q. Yep. Required Education and 05:44 PM</p> <p>10 Experiences, last bullet.</p> <p>11 A. That bullet is not very clear as far 05:44 PM</p> <p>12 as supervisory.</p> <p>13 Q. Have you ever been a supervisor in the 05:44 PM</p> <p>14 Poughkeepsie City School District?</p> <p>15 A. No, not in Poughkeepsie School 05:44 PM</p> <p>16 District under that title.</p> <p>17 Q. Have you ever been a supervisor in a 05:44 PM</p> <p>18 school district?</p> <p>19 A. No, not in a school district. 05:44 PM</p> <p>20 Q. O.K. You can give me that one back 05:44 PM</p> <p>21 and we'll move on.</p> <p>22 MR. RUSHFIELD: CC. 05:45 PM</p> <p>23 (Whereupon, Defendant's 05:45 PM</p> <p>24 Exhibit CC, 2/2016 correspondence between</p> <p>25 Carol Melton and Dr. Ronel Cook re</p>
332	<p>1 Carol Melton</p> <p>2 Q. Was that Director of Technology and 05:42 PM</p> <p>3 Media Services?</p> <p>4 A. I don't remember the exact title. 05:43 PM</p> <p>5 Q. O.K. Well, on the last page of this 05:43 PM</p> <p>6 document, there is a Please Post for this position</p> <p>7 of Director of Technology and Media Services and in</p> <p>8 the qualifications the first one is SDL/SDA</p> <p>9 Certification. You don't have those, right?</p> <p>10 A. No. 05:43 PM</p> <p>11 Q. O.K. 05:43 PM</p> <p>12 A. The first one? 05:43 PM</p> <p>13 Q. Yes, SDL/SDA Certification. Do you 05:43 PM</p> <p>14 have that?</p> <p>15 A. I'm sorry. I was on the wrong page. 05:43 PM</p> <p>16 Q. Last page. 05:43 PM</p> <p>17 A. The qualifications. Oh, no. 05:43 PM</p> <p>18 Q. Actually, next-to-last page. 05:43 PM</p> <p>19 A. The next-to-last page. That's why I 05:43 PM</p> <p>20 was confused. The next-to-last page, that's what I</p> <p>21 was on.</p> <p>22 Q. My mistake. My mistake. 05:43 PM</p> <p>23 A. O.K. 05:43 PM</p> <p>24 Q. You don't have SDL or SDA 05:43 PM</p> <p>25 certification, right?</p>	334	<p>1 Carol Melton</p> <p>2 Director of Family and Community</p> <p>3 Engagement, seven pages, two-page Please</p> <p>4 Post and Account Information from TEACH,</p> <p>5 two pages, is marked for identification,</p> <p>6 as of this date.)</p> <p>7 Q. Ms. Melton, I'm showing you a document 05:45 PM</p> <p>8 we've marked as Defendant's CC, a letter of intent</p> <p>9 for Director of Family and Community Engagement is</p> <p>10 the position here. Did you apply for this position</p> <p>11 in February of 2016, or about?</p> <p>12 A. Thereabouts, yes. 05:46 PM</p> <p>13 Q. O.K. On the second page of this 05:46 PM</p> <p>14 document there's an email from Dr. Cook to you</p> <p>15 saying he's in receipt of your letter of interest</p> <p>16 for the posting. It says, "Please be advised that</p> <p>17 the candidate for this position must have a</p> <p>18 Transitional D or New York State District Leader</p> <p>19 Certificate." Do you have either of those things?</p> <p>20 A. On which page are you on? 05:47 PM</p> <p>21 Q. Second page, Ms. Melton. 05:47 PM</p> <p>22 A. The second page? 05:47 PM</p> <p>23 Q. It has page 89 at the bottom. 05:47 PM</p> <p>24 A. O.K. Your question was? 05:47 PM</p> <p>25 Q. Dr. Cook is telling you you have to 05:47 PM</p>

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336	<p>1 Carol Melton</p> <p>2 right, the ones that are in the posting?</p> <p>3 A. The -- 05:48 PM</p> <p>4 Q. Transitional D -- 05:48 PM</p> <p>5 A. -- Page 95. 05:48 PM</p> <p>6 Q. The page 95, exactly. You acknowledge 05:48 PM</p> <p>7 you didn't have those.</p> <p>8 A. Yes. 05:49 PM</p> <p>9 Q. What leads you to conclude that the 05:49 PM</p> <p>10 decision not to grant you this position was because</p> <p>11 you're African-American?</p> <p>12 A. Because it was given to someone else. 05:49 PM</p> <p>13 Q. Did that someone else have a 05:49 PM</p> <p>14 Transitional D or a New York State School District</p> <p>15 Leader certification?</p> <p>16 A. No. 05:49 PM</p> <p>17 Q. Who was that person? 05:49 PM</p> <p>18 A. Are you asking who's in this position 05:49 PM</p> <p>19 now?</p> <p>20 Q. Who got the position in the 2016-2017 05:49 PM</p> <p>21 school year, which was last school year, not this</p> <p>22 one?</p> <p>23 A. Natasha Cherry. 05:50 PM</p> <p>24 Q. And Natasha Cherry, you're saying, did 05:50 PM</p> <p>25 not have a Transitional D or a New York State</p>	338	<p>1 Carol Melton</p> <p>2 psychiatrist.</p> <p>3 Q. Do you have that information from an 05:51 PM</p> <p>4 attorney or a priest or a psychiatrist?</p> <p>5 MR. RUSHFIELD: I'm not sure 05:51 PM</p> <p>6 about the priest, but...</p> <p>7 A. No. 05:51 PM</p> <p>8 Q. So how do you know that she didn't 05:51 PM</p> <p>9 have either of these things when she got the</p> <p>10 appointment?</p> <p>11 A. Because she was enrolled in the same 05:51 PM</p> <p>12 school as I was.</p> <p>13 Q. O.K. But do you know whether she had 05:51 PM</p> <p>14 that Transitional D or New York State School</p> <p>15 District Leader certification when the offer was</p> <p>16 made to her?</p> <p>17 A. I know that she did not complete. 05:51 PM</p> <p>18 Q. You know that how? 05:52 PM</p> <p>19 A. Because she was enrolled in the same 05:52 PM</p> <p>20 school as I was.</p> <p>21 Q. How long were you enrolled in that 05:52 PM</p> <p>22 school?</p> <p>23 A. Almost two years. 05:52 PM</p> <p>24 Q. And was she enrolled for both years 05:52 PM</p> <p>25 with you?</p>

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340	<p>1 Carol Melton</p> <p>2 A. Yes, I'm claiming that at this time. 05:53 PM</p> <p>3 Q. The people who would have made this 05:53 PM</p> <p>4 choice, would that have involved the Superintendent</p> <p>5 of Schools?</p> <p>6 A. I don't know. 05:53 PM</p> <p>7 Q. Who makes the decision to appoint? 05:53 PM</p> <p>8 Who makes the decision to make an offer of</p> <p>9 appointment? Would it be Dr. Cook? Would it be</p> <p>10 the Superintendent of Schools? Would it be someone</p> <p>11 else?</p> <p>12 A. It could be Dr. Cook. It could be the 05:53 PM</p> <p>13 Superintendent of Schools.</p> <p>14 Q. O.K. Both those people are 05:53 PM</p> <p>15 African-American, right, as far as you know?</p> <p>16 They're both black, right?</p> <p>17 A. Yes. 05:53 PM</p> <p>18 Q. Right? 05:53 PM</p> <p>19 A. Yes. 05:53 PM</p> <p>20 Q. The Board of Education has black 05:53 PM</p> <p>21 members, too, don't they?</p> <p>22 A. Yes. 05:53 PM</p> <p>23 Q. O.K. Are you telling me that these 05:53 PM</p> <p>24 people, Dr. Cook, Dr. Williams, members of the</p> <p>25 Board of Ed, decided that they didn't want you to</p>	342	<p>1 Carol Melton</p> <p>2 qualified, let's assume that for the moment, are</p> <p>3 you saying that they chose Ms. Cherry instead of</p> <p>4 you because she's white and you're black?</p> <p>5 A. I don't know what the reason why 05:55 PM</p> <p>6 but...</p> <p>7 Q. Isn't that what you just alleged? 05:55 PM</p> <p>8 Haven't you told me that race was the reason?</p> <p>9 A. I said I don't know why the district 05:55 PM</p> <p>10 made the decision, but based on --</p> <p>11 Q. But you're claiming race was the 05:55 PM</p> <p>12 reason. You're claiming it was based on your race</p> <p>13 that Dr. Williams and Dr. Cook and the Board were</p> <p>14 deciding that they were going to choose Ms. Cherry</p> <p>15 over you because you're African-American; are you</p> <p>16 claiming that?</p> <p>17 A. If she's white. 05:55 PM</p> <p>18 Q. Is it simply because she's white that 05:55 PM</p> <p>19 it must be because of her race?</p> <p>20 A. I'm saying, again, yes, that it's 05:55 PM</p> <p>21 based on the race and/or retaliation.</p> <p>22 Q. Well, I know those are, generically, 05:55 PM</p> <p>23 your two claims. The administration of this</p> <p>24 district is African-American, isn't it,</p> <p>25 substantially?</p>

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344	<p>1 Carol Melton</p> <p>2 qualifications.</p> <p>3 Q. Well, what did you possess that she 05:57 PM</p> <p>4 did not for purposes of meeting the minimum</p> <p>5 qualifications?</p> <p>6 A. I was still enrolled in the program. 05:57 PM</p> <p>7 Q. And she was not enrolled in the 05:57 PM</p> <p>8 program any longer?</p> <p>9 A. No. 05:57 PM</p> <p>10 Q. All right And did she have to 05:57 PM</p> <p>11 continue to be enrolled in the program in order to</p> <p>12 qualify?</p> <p>13 A. You have to be enrolled in the program 05:57 PM</p> <p>14 continuously in order to get a Transitional D.</p> <p>15 Q. O.K. You don't know if she completed 05:57 PM</p> <p>16 the program or not, right?</p> <p>17 A. I said, to the best of my knowledge, 05:57 PM</p> <p>18 she did complete the program.</p> <p>19 Q. Do you know whether she got a 05:57 PM</p> <p>20 Transitional D?</p> <p>21 A. I don't know if she received one or 05:57 PM</p> <p>22 not.</p> <p>23 Q. And if she did, she would meet the 05:57 PM</p> <p>24 minimum qualifications, right?</p> <p>25 A. If she finished this program? 05:57 PM</p>	346
	<p>1 Carol Melton</p> <p>2 Q. If she got the Transitional D, 05:57 PM</p> <p>3 she would meet the minimum qualifications for this</p> <p>4 position, right?</p> <p>5 A. If she finished the program. 05:57 PM</p> <p>6 Q. Can you get the Transitional D without 05:57 PM</p> <p>7 finishing the program?</p> <p>8 A. Not that I'm aware of. 05:58 PM</p> <p>9 Q. Well then, if she had a 05:58 PM</p> <p>10 Transitional D, she met the minimum qualifications,</p> <p>11 right?</p> <p>12 A. Yes. 05:58 PM</p> <p>13 Q. And your claim that you were denied 05:58 PM</p> <p>14 the position in retaliation, when was -- these</p> <p>15 communications you're having are in February 2016,</p> <p>16 and I've represented to you that the district</p> <p>17 didn't even know you filed an EEOC complaint until</p> <p>18 May of 2016.</p> <p>19 Do you have any knowledge that they 05:58 PM</p> <p>20 received a complaint of discrimination to the EEOC</p> <p>21 by you prior to awarding the Director for Family</p> <p>22 and Community Engagement position to Ms. Cherry?</p> <p>23 A. I don't know, and on this date in 05:58 PM</p> <p>24 February, February 5th, 2016, based on my</p> <p>25 submission of my complaint.</p>	
	<p>1 Carol Melton</p> <p>2 Q. Your complaint, you didn't submit it 05:59 PM</p> <p>3 to the district. You submitted to the EEOC.</p> <p>4 A. Right. 05:59 PM</p> <p>5 Q. You don't know -- well actually you 05:59 PM</p> <p>6 probably do because you probably did get a notice</p> <p>7 at some point that copied the district. Do you</p> <p>8 recall getting that?</p> <p>9 A. I believe so. 05:59 PM</p> <p>10 Q. Right. Do you recall that the date of 05:59 PM</p> <p>11 that was May 2nd, 2016?</p> <p>12 A. I don't recall if that's the date. 05:59 PM</p> <p>13 Q. O.K. But assuming for argument's 05:59 PM</p> <p>14 sake, 'cause there's a document that we all have,</p> <p>15 that it was May 2nd, 2016 that it was received by</p> <p>16 the district, and your getting notice in</p> <p>17 February of 2016 from Dr. Cook that you have to</p> <p>18 have certain qualifications that you don't have,</p> <p>19 you would acknowledge, would you not, that it</p> <p>20 couldn't be an act of retaliation because they</p> <p>21 wouldn't have known what to retaliate against you</p> <p>22 for?</p> <p>23 A. Mm-hmm. 05:59 PM</p> <p>24 Q. Right? Correct? 05:59 PM</p> <p>25 A. Yes, at this time. 06:00 PM</p>	

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347	<p>1 Carol Melton</p> <p>2 Q. May I have that back, please. 06:00 PM</p> <p>3 MR. RUSHFIELD: Winding down. 06:00 PM</p> <p>4 I think I'm pretty much -- maybe 06:00 PM</p> <p>5 15 minutes and we're done.</p> <p>6 MR. WATSON: All right. 06:00 PM</p> <p>7 MR. RUSHFIELD: 'Cause that 06:00 PM</p> <p>8 stuff we really already have done in a</p> <p>9 different format and the rest of the</p> <p>10 stuff I find unnecessary. I hope that's</p> <p>11 the case so we don't have to fight about</p> <p>12 the time.</p> <p>13 MR. WATSON: You're O.K. to go 06:00 PM</p> <p>14 another 15 minutes?</p> <p>15 THE WITNESS: Yes, I'm fine. 06:01 PM</p> <p>16 MR. RUSHFIELD: Because we don't 06:01 PM</p> <p>17 want to fight about having to come back.</p> <p>18 THE WITNESS: Yes, I'm fine. 06:01 PM</p> <p>19 MR. RUSHFIELD: We are up to DD 06:01 PM</p> <p>20 now.</p> <p>21 (Whereupon, Defendant's 06:01 PM</p> <p>22 Exhibit DD, 6/29-6/30/15 correspondence</p> <p>23 between Carol Melton and Dr. Ronel Cook</p> <p>24 re Dean of Students at the Middle School,</p> <p>25 000257-58 and 000125-26, 2/17/16 email</p>	349	<p>1 Carol Melton</p> <p>2 A. No. I wrote him back. 06:03 PM</p> <p>3 Q. I understand that. I'm asking my 06:03 PM</p> <p>4 question. Did you have such things?</p> <p>5 A. No. 06:03 PM</p> <p>6 Q. I see what you wrote back. You don't 06:03 PM</p> <p>7 have to tell me what it says.</p> <p>8 On the last page of the document 06:03 PM</p> <p>9 there's a Please Post for Dean of Students for</p> <p>10 Poughkeepsie Middle School, and among the</p> <p>11 Education/Skills/Requirements are a New York State</p> <p>12 Administrative Certificate, SDL/SBL or Eligibility</p> <p>13 for a Transitional Certificate. Did you have</p> <p>14 either one of those qualifications?</p> <p>15 A. One is a qualification, no, I did not 06:04 PM</p> <p>16 have that. Eligibility is based on offer of</p> <p>17 position.</p> <p>18 Q. So if you were offered the position, 06:04 PM</p> <p>19 then you might be eligible?</p> <p>20 A. Then I'll be eligible as per the 06:04 PM</p> <p>21 email.</p> <p>22 Q. And if you were not first offered the 06:04 PM</p> <p>23 position, you wouldn't be eligible?</p> <p>24 A. I'm sorry. Repeat that. 06:04 PM</p> <p>25 Q. If you're not offered the position 06:04 PM</p>
348	<p>1 Carol Melton</p> <p>2 from Carol Melton to Dr. Michelle</p> <p>3 Cardwell re Spring Break, 000259-60 and a</p> <p>4 one-page Please Post, 000385, is marked</p> <p>5 for identification, as of this date.)</p> <p>6 BY MR. RUSHFIELD: 06:01 PM</p> <p>7 Q. Showing you Defendant's DD, did you 06:01 PM</p> <p>8 apply for the position of Dean of Students at the</p> <p>9 middle school in June of 2015?</p> <p>10 A. Yes. 06:01 PM</p> <p>11 Q. All right. And if you go to 06:01 PM</p> <p>12 page Bates stamped No. 125, do you see that page?</p> <p>13 There's an email there from Dr. Cook that says,</p> <p>14 "Ms. Melton please forward me a copy of your</p> <p>15 Internship, Initial and/or or Professional School</p> <p>16 Building Leader or School District Leader</p> <p>17 certificate to my attention as soon as possible.</p> <p>18 The administrative positions that you have applied</p> <p>19 for requires certification."</p> <p>20 Did you ever send him a copy of your 06:02 PM</p> <p>21 Internship, Initial and/or Professional School</p> <p>22 Building Leader or School District Leader</p> <p>23 certificate?</p> <p>24 A. No. 06:03 PM</p> <p>25 Q. Did you have such things? 06:03 PM</p>	350	<p>1 Carol Melton</p> <p>2 first, you wouldn't be eligible; is that what your</p> <p>3 testimony is?</p> <p>4 A. Yes, you have to be offered it first. 06:04 PM</p> <p>5 Q. O.K. Who became Dean of Students? 06:04 PM</p> <p>6 Who got this position?</p> <p>7 A. I don't remember who. 06:04 PM</p> <p>8 Q. What was their race? 06:04 PM</p> <p>9 A. I said I don't remember who it was. 06:04 PM</p> <p>10 Q. Well, are you claiming you were denied 06:04 PM</p> <p>11 this position because of your race? Yes or no.</p> <p>12 A. No, I don't know at this time. 06:04 PM</p> <p>13 Q. All right. So you don't have 06:04 PM</p> <p>14 information upon which to base a claim that you</p> <p>15 were denied this position because of your race; is</p> <p>16 that fair?</p> <p>17 A. Because I don't know who got the 06:05 PM</p> <p>18 position.</p> <p>19 Q. Are you claiming in this case that you 06:05 PM</p> <p>20 were denied this position on account of your race?</p> <p>21 Yes or no.</p> <p>22 A. Not at this time. 06:05 PM</p> <p>23 Q. O.K. And your answer's going to 06:05 PM</p> <p>24 depend on whatever the race of the person who got</p> <p>25 the position was, right?</p>

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351	<p>1 Carol Melton</p> <p>2 MR. WATSON: Objection. 06:05 PM</p> <p>3 A. The information is based on whether or 06:05 PM</p> <p>4 not if the position was even filled.</p> <p>5 Q. Oh, do you know if it was filled? 06:05 PM</p> <p>6 A. I don't know. 06:05 PM</p> <p>7 Q. O.K. Are you claiming that this had 06:05 PM</p> <p>8 anything to do with retaliation against you?</p> <p>9 A. I'm not claiming that at this time. 06:05 PM</p> <p>10 Q. O.K. You're not claiming that in this 06:05 PM</p> <p>11 action, is that what you're saying? Ms. Melton --</p> <p>12 A. I'm sorry. 06:05 PM</p> <p>13 Q. In your action, you're not claiming 06:05 PM</p> <p>14 that your not getting the Dean of Students position</p> <p>15 was an act of retaliation against you for protected</p> <p>16 activity, right?</p> <p>17 A. Yes, I'm not complaining of that at 06:05 PM</p> <p>18 this time.</p> <p>19 Q. You keep saying at this time. You 06:05 PM</p> <p>20 have a complaint. Are you claiming it in your</p> <p>21 complaint or are you not claiming it in your</p> <p>22 complaint?</p> <p>23 A. Based on what I'm seeing in front of 06:06 PM</p> <p>24 me.</p> <p>25 Q. In your complaint, all you talk about 06:06 PM</p>	353	<p>1 Carol Melton</p> <p>2 date.)</p> <p>3 Q. Here you go. Showing you Defendant's 06:07 PM</p> <p>4 EE, this for the position of Coordinator of</p> <p>5 Elementary and Instructional Technology. You</p> <p>6 applied for that position -- did you apply for that</p> <p>7 position in or around January of 2016? Did you</p> <p>8 actually apply for it?</p> <p>9 A. Coordinator of Elementary and 06:08 PM</p> <p>10 Instructional Technology?</p> <p>11 Q. Did you actually apply for the 06:08 PM</p> <p>12 position?</p> <p>13 A. Yes, I believe I applied for this one. 06:08 PM</p> <p>14 Q. Is this a position that you're 06:08 PM</p> <p>15 claiming you were denied because of either your</p> <p>16 race or in retaliation for a protected activity?</p> <p>17 Yes or no.</p> <p>18 A. I'm not sure. I don't remember this 06:08 PM</p> <p>19 because of the title.</p> <p>20 Q. Ms. Melton, you make a claim in your 06:08 PM</p> <p>21 complaint that you were denied promotional</p> <p>22 opportunities. I'm trying to figure out which ones</p> <p>23 you're talking about because you don't identify any</p> <p>24 of them in your complaint. So I've tried to find</p> <p>25 any place where you made application or what at</p>
352	<p>1 Carol Melton</p> <p>2 is promotional positions, so I don't know what they</p> <p>3 are. Is this a promotional position that you claim</p> <p>4 you were denied on account of your race? Yes or</p> <p>5 no.</p> <p>6 This is not something that you can 06:06 PM</p> <p>7 change your mind over time. Yes or no.</p> <p>8 A. I don't know. 06:06 PM</p> <p>9 Q. You don't know if you're claiming that 06:06 PM</p> <p>10 or not; is that your testimony?</p> <p>11 A. That this particular position -- 06:06 PM</p> <p>12 Q. Yes. Is it your testimony that you 06:06 PM</p> <p>13 don't know whether you're claiming this position</p> <p>14 was denied to you on account of your race? Is that</p> <p>15 what you're testifying?</p> <p>16 A. Yes, that's what I'm saying. 06:06 PM</p> <p>17 Q. All right. Give it back. 06:06 PM</p> <p>18 MR. RUSHFIELD: Last two. 06:06 PM</p> <p>19 EE. 06:07 PM</p> <p>20 (Whereupon, Defendant's 06:07 PM</p> <p>21 Exhibit EE, 1/11/16 email from Carol</p> <p>22 Melton to Dr. Ronel Cook, 000327, and</p> <p>23 Please Post re Coordinator of Elementary</p> <p>24 Instructional Technology, 000392, is</p> <p>25 marked for identification, as of this</p>	354	<p>1 Carol Melton</p> <p>2 least looked like an application, and I'm trying to</p> <p>3 see if these are the ones.</p> <p>4 On this one, it doesn't actually say 06:09 PM</p> <p>5 you made an application. I just says that you were</p> <p>6 interested in it or you wanted to know if they'd</p> <p>7 begun interviews for it already. But you're saying</p> <p>8 you believe you made an application.</p> <p>9 In that case, I want to know if you're 06:09 PM</p> <p>10 claiming in this action that this is a position</p> <p>11 that you were denied because of your race or</p> <p>12 retaliation for a protected activity. You have to</p> <p>13 be able to establish that to go forward with it.</p> <p>14 So I need to know the answer to that question.</p> <p>15 A. Yes, Mr. Rushfield, I understand. 06:09 PM</p> <p>16 What I said was this title is very 06:09 PM</p> <p>17 similar to another one, and I'm not sure if this</p> <p>18 particular title, that's -- and I said that</p> <p>19 earlier, a lot of the titles -- many of the titles</p> <p>20 have very similar names and --</p> <p>21 Q. You're aware that you're going to have 06:09 PM</p> <p>22 to be able to identify positions that you were</p> <p>23 denied if it's on account or race or retaliation.</p> <p>24 You're going to have to do that in this case --</p> <p>25 A. Yes. 06:09 PM</p>

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355	<p>1 Carol Melton</p> <p>2 Q. -- right? 06:09 PM</p> <p>3 So -- 06:09 PM</p> <p>4 MR. WATSON: Let her just take a 06:09 PM</p> <p>5 moment with this document and see if she</p> <p>6 can answer the question.</p> <p>7 MR. RUSHFIELD: Sure. 06:10 PM</p> <p>8 Q. Take your time. 06:10 PM</p> <p>9 (Whereupon, there is a 06:10 PM</p> <p>10 discussion off the record.)</p> <p>11 MR. RUSHFIELD: I've only got 06:10 PM</p> <p>12 one more after this.</p> <p>13 A. I believe this position was not filled 06:10 PM</p> <p>14 and it didn't go beyond this posting.</p> <p>15 Q. O.K. 06:11 PM</p> <p>16 A. So -- 06:11 PM</p> <p>17 Q. The my question remains, I understand 06:11 PM</p> <p>18 you believe it wasn't filled. Are you claiming</p> <p>19 that it wasn't filled by you because of your race</p> <p>20 or because of retaliation for a protected activity?</p> <p>21 A. Well, I'm saying it was not filled by 06:11 PM</p> <p>22 anyone.</p> <p>23 Q. I understand that. 06:11 PM</p> <p>24 A. So I don't -- I can't at this time say 06:11 PM</p> <p>25 that -- the person, because no one got this</p>	357	<p>1 Carol Melton</p> <p>2 MR. RUSHFIELD: Last one. 06:12 PM</p> <p>3 (Whereupon, Defendant's 06:12 PM</p> <p>4 Exhibit FF, 11/29/16 email from Carol</p> <p>5 Melton to Dr. Nicole Williams, Subject:</p> <p>6 Letter of Intent Elementary Teacher,</p> <p>7 000348, is marked for identification, as</p> <p>8 of this date.)</p> <p>9 Q. Here you go, Ms. Melton. I'm showing 06:13 PM</p> <p>10 you what appears to be a letter of intent, which I</p> <p>11 think is your application system, for an Elementary</p> <p>12 Teacher position. Are you certified as an</p> <p>13 elementary school teacher?</p> <p>14 A. No. 06:13 PM</p> <p>15 Q. Are you qualified -- do you meet the 06:13 PM</p> <p>16 qualifications to be an elementary teacher?</p> <p>17 A. Yes and no. 06:13 PM</p> <p>18 Q. What's the no part? 06:13 PM</p> <p>19 A. So, it's complicated. So I'll try to 06:13 PM</p> <p>20 condense it.</p> <p>21 Q. Go ahead. 06:14 PM</p> <p>22 A. Because I have a Master's and because 06:14 PM</p> <p>23 I have X amount of years of experience and in the</p> <p>24 district for elementary teacher, I can get a</p> <p>25 Transitional, I think it's B or C that would permit</p>
356	<p>1 Carol Melton</p> <p>2 position.</p> <p>3 Q. Let me rephrase my question. I 06:11 PM</p> <p>4 understand you're telling me you don't believe of</p> <p>5 the position was filled. So we're not going to be</p> <p>6 identifying somebody who got it and try to figure</p> <p>7 out their race. But you could make -- I don't know</p> <p>8 if you are, but you could make a claim, hey, they</p> <p>9 didn't fill it because I was the one interested in</p> <p>10 it and I'm African-American or because I have</p> <p>11 engaged in some protected activity. I just need to</p> <p>12 know if you're claiming that. I don't know.</p> <p>13 A. Now I understand what you're saying, 06:12 PM</p> <p>14 and I don't know. I don't know.</p> <p>15 Q. You don't know if you're making such a 06:12 PM</p> <p>16 claim. I can't even say that.</p> <p>17 You have a complaint in this action. 06:12 PM</p> <p>18 Are you making that claim or not?</p> <p>19 It can't be I don't know 'cause it's 06:12 PM</p> <p>20 what you're claiming in the case. You have to</p> <p>21 know. You have to make a decision.</p> <p>22 A. Well, based on what I have in front of 06:12 PM</p> <p>23 me, I can't make that claim at this time.</p> <p>24 Q. O.K. That's fair enough. We'll move 06:12 PM</p> <p>25 on.</p>	358	<p>1 Carol Melton</p> <p>2 me to teach under the supervision of another</p> <p>3 teacher or Dr. Williams who's the Superintendent of</p> <p>4 Schools would also -- could permit me to teach in</p> <p>5 that position.</p> <p>6 Q. That's for a limited period of time, 06:14 PM</p> <p>7 isn't it? It's not an indefinite; you have to get</p> <p>8 a teacher certification?</p> <p>9 A. Right, but you have to get enrolled. 06:14 PM</p> <p>10 If they offer, then you have to get enrolled in the</p> <p>11 teacher certification completion program, but you</p> <p>12 have to have certain other criteria.</p> <p>13 Q. O.K. So you could -- things could 06:15 PM</p> <p>14 happen that would permit you to, for example, teach</p> <p>15 under the supervision of a teacher or have this</p> <p>16 like provisional system where you might get</p> <p>17 certified later on; is that fair?</p> <p>18 A. That's fair. 06:15 PM</p> <p>19 Q. All right. Who got the position, this 06:15 PM</p> <p>20 Elementary Teacher position that you submitted a</p> <p>21 letter of intent for?</p> <p>22 A. I don't know. 06:15 PM</p> <p>23 Q. Well, do you know if it got filled, 06:15 PM</p> <p>24 this position?</p> <p>25 A. I don't know. 06:15 PM</p>

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1 Carol Melton

2 Q. Is this a position that you are 06:15 PM
3 claiming is -- this November 29, 2016 position, is
4 this a position that you're claiming in this action
5 that you would have gotten except for retaliation
6 or race?

7 A. Not at this time. 06:15 PM

8 Q. O.K. 06:15 PM

9 MR. RUSHFIELD: Let's call it, 06:15 PM
10 unless counsel wants to start the process
11 of asking questions. You can. It rarely
12 happens that people do, though.

13 Ms. Melton, God knows I could go 06:15 PM
14 on for another four hours, but we've
15 wrapped up your position. It's been
16 interesting. Thank you.

17 Q. Oh, I do want to ask one thing before 06:16 PM
18 you go.

19 Ms. Melton, are there any positions 06:16 PM
20 that I've not covered, promotional positions, that
21 you applied for during 2015-2016 or 2016-2017 that
22 you can remember?

23 A. That I can remember, no. 06:16 PM

24 Q. No? 06:16 PM

25 A. No, that I can remember. 06:16 PM

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1 Carol Melton

2 Q. Thank you. I thought I got them, but 06:16 PM
3 I wanted to be sure. O.K.

4 THE COURT REPORTER: Mr. Watson, 06:16 PM
5 are you ordering a copy?

6 MR. WATSON: Yes. Yes. 06:16 PM

7 (Time noted: 6:16 p.m.) 06:16 PM

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CERTIFICATE

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, KATHLEEN T. KEILTY, a
Certified Shorthand Reporter and Notary
Public within and for the State of New
York, do hereby certify:

That CAROL MELTON, the witness
whose testimony is hereinbefore set
forth, was duly sworn/affirmed by me and
that the foregoing transcript is a true
record of said testimony.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 13th day of
July 2018.

Kathleen T. Keilty

KATHLEEN T. KEILTY, C.S.R.
License No. 000755-1

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Transfers"

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 job description for
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Carol Melton v. Poughkeepsie City School District
June 28, 2018

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Letter from Dr. Ronel Cook
addressing transfers based on
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I, CAROL MELTON, wish to make the following changes to the foregoing transcript of my testimony taken on the 28th day of June 2018, for the reasons cited below:

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CAROL MELTON

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this ____ day of _____, 20____.

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My Commission expires the ____ day

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of _____, 20____.

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